CREATING CHOICES

THE REPORT OF THE TASK FORCE ON FEDERALLY SENTENCED WOMEN

"I wish to take this occasion to renew the Government of Canada's commitment to social justice and economic equity for Canadian women. As a nation and a people strongly committed to social justice, we must all ensure that the women of Canada have the full range of choices to participate in all aspects of our society."

The Right Honourable Brian Mulroney

Excerpt from the Prime Minister's address to the Annual Conference of First Ministers November 20-21, 1986

APRIL, 1990

92-01726/

TASK FORCE ON FEDERALLY SENTENCED WOMEN

STEERING COMMITTEE MEMBERS

Bonnie Diamond (co-chair)
Executive Director
Canadian Association of
Elizabeth Fry Societies

James A. Phelps (co-chair)
Deputy Commissioner
Correctional Programs and Operations
Correctional Service of Canada

Rob Adlard
A/Director
Operational Planning and
Resources Analysis
Corporate Management
Correctional Service of Canada

Louise Bellefeuille
Directrice
Etablissement Monté St-François

Louise Biron
Secrétaire du Comité exécutif
Association Canadienne des
Sociétés Elizabeth Fry
Représentante de la région du Québec

Adrienne Brown
Chairperson
Citizen's Advisory Committee
Prison for Women

Barbara Byers
Board Member
Canadian Association of
Elizabeth Fry Societies
Atlantic Region Representative

Hélène Chevalier
Executive Secretary
National Parole Board

Don Clark
Assistant Deputy Commissioner
Pilot Projects
Regional Headquarters Ontario
Correctional Service of Canada

Susan Christie
Senior Policy Analyst
Policy Development Section
Policy Directorate
Department of Justice Canada

John Evans
Director General
Corrections Research and Strategic Policy
Corrections Branch
Ministry Secretariat
Solicitor General Canada

Lana Fox
Member
Aboriginal Women's Caucus

Mona Fox
Senior Social Services Officer
Social Development Branch
Indian Services
Indian and Northern Affairs Canada

Betty Hopkins
Board Member
Canadian Association of Elizabeth Fry Societies
Prairie Region Representative

Donna Howell
National Co-ordinator Women's Correctional Programs
Salvation Army

Betty Lee
President
National Organization of Immigrant and Visible Minority Women of Canada

Ingrid Leonhard
Section Supervisor
Vancouver North Area Parole Office
Correctional Service of Canada

Sandra Lyth
Co-ordinator
Programs Task Force
Atlantic Regional Headquarters
Correctional Service of Canada

Margaret MacGee
Chairperson
Special Committee on Women and Criminal Justice Issues
National Council of Women Canada

Debbie Meness
Executive Director
Native Women's Association of Canada

Louise Paquin
A/Director
Policy Development Section
Policy Directorate
Department of Justice Canada

Karen Paul
Member
Aboriginal Women's Caucus

Anita Pratt
Member
Aboriginal Women's Caucus

Janice Russell
Chief of Planning
Quebec Regional Headquarters
Correctional Service of Canada

Michelle Simms
Co-ordinator and Executive Director
National Organization of Immigrant and Visible Minority Women of Canada

Beth Stacey
Board Member
Canadian Association of Elizabeth Fry Societies
Ontario Region Representative

Kay Stanley
Co-ordinator
Status of Women Canada

Fran Sugar
Member
Aboriginal Women's Caucus

Romola Trebilcock
Project Manager, Special Initiatives
Prairie Region
Correctional Service of Canada

Sharon Waddell
Executive Member
Canadian Association of
Elizabeth Fry Societies
B.C. Region Representative

Susan Williams
Director General
Social Development Branch
Indian Services
Indian and Northern Affairs Canada

TASK FORCE ON FEDERALLY SENTENCED WOMEN

WORKING GROUP MEMBERS

Jane Miller Ashton (Co-chair)
Director
Native and Female Offender Programs
Correctional Service of Canada

Felicity Hawthorn (Co-chair)
Past President
Canadian Association of Elizabeth Fry Societies

Mary Cassidy
Warden
Prison For Women
Correctional Service of Canada

Maureen Evans
Vice President
Canadian Association of Elizabeth Fry Societies

Sharon McIvor
Member - Executive Council
Native Women's Association of Canada

Patricia Monture
Professor
Dalhousie Law School
Member, Aboriginal Women's Caucus

Rosemary O'Brien
A/Special Advisor
Female Offender Programs
Correctional Service of Canada

Hilda Vanneste
Chairperson, Working Group on Federal/Provincial Policy Review
Correctional Service of Canada

Diane Wilkinson
Executive Director
Central Okanagan Elizabeth Fry Society

Sally Wills
Executive Director
Elizabeth Fry Society of Kingston

ACKNOWLEDGEMENTS

The members of the Task Force on Federally Sentenced Women gratefully acknowledge the significant contributions of the following individuals and organizations. We appreciate the assistance, advice and support that each of them provided.

- All federally sentenced women who made verbal or written submissions to the Task Force or who participated in research commissioned for the Task Force;

- All other individuals and organizations who made verbal or written submissions to the Task Force;[1]

- All individuals who assisted with the planning and organization and/or recording of the Task Force consultations;

- Bob Cormier, Director, Correctional Program Research and Development, Ministry Secretariat of the Solicitor General, who sponsored some of the research projects for the Task Force;

- The Researchers:

  - Lee Axon,
  - Johanne Blanchette,
  - Karen Lee Cannings,
  - Lana Fox,
  - Tina Hattem,
  - Karen Rogers,
  - Lee Seto-Thomas,
  - Margaret Shaw,
  - Fran Sugar,
  - Lada Tamarack;

- Correctional Service of Canada Secretarial Support Staff:

  - Marian Price,
  - Pauline Montreuil,
  - Claire Newton,
  - Sheila Percival,
  - Monique Sabourin,
  - Marg Walsh;

- Stan Fields, Director of Finance; Vern MacLean, Accounting and Contracting Clerk; and staff of the Finance Branch, Correctional Service of Canada;

- Mista Hiya, Shaman;

- Claire Kearney, A/Supervisor, Printing, Correctional Service of Canada, and staff.
- Jean-Guy Lamothe, A/Supervisor, Mailroom, Correctional Service of Canada, and staff.
- Joan Lavalee, Elder;
- Linda MacLeod, Task Force Consultant, Writer and Editor;
- Jennifer Abbott, Assistant Editor;
- Aline Manson, Annik Boutin, Thérèse Dion-Renauld and staff, Translation Department, for the French translation, and Louise Biron, Canadian Association of Elizabeth Fry Societies, Quebec Region, and Anita Pratt, Aboriginal Women's Caucus, for reviewing the French translation.
- Pamela Mayhew, Executive Assistant, Canadian Association of Elizabeth Fry Societies;
- Ted Pender, Director, Material Management Branch, Correctional Service of Canada, and staff;
- Provincial and Territorial Heads of Corrections and their staff who facilitated the research and consultations at provincial/territorial facilities;
- Thomas Townsend, A/Director General, Offender Programs, Correctional Service of Canada;
- All organizations who supported their members or staff to participate on the Task Force Steering Committee or Working Group:

  - Aboriginal Women's Caucus,
  - Canadian Association of Elizabeth Fry Societies,
  - Citizen's Advisory Committee, Prison for Women
  - Correctional Service of Canada,
  - Department of Indian and Northern Affairs Canada,
  - Department of Justice Canada,
  - Ministry of the Solicitor General Secretariat
  - National Council of Women,
  - National Organization of Immigrant and Visible Minority Women of Canada,
  - National Parole Board,
  - Native Women's Association of Canada,
  - Salvation Army,
  - Status of Women Canada;

- The spouses, partners and families of Task Force members.

TABLE OF CONTENTS

PREFACE 1

SECTION A - THE WISDOM OF DIFFERENT VOICES

CHAPTER I
THE VOICES OF WOMEN WHO HAVE BEEN FEDERALLY SENTENCED 5

PRISON IS... 6
Prison is "trying to survive the pain." 6
Prison is "being 2000 miles from home." 6
Prison is "having no identity and no voice." 8
Prison is "living with labels and the violence of racism." 9

LISTEN TO US... 10
Listen to us... "There have to be choices and opportunities if we are going to take responsibility for our lives." 10
Listen to us... "We need some support to take responsibility for building a new life." 11
Listen to us... "I'm not a threat to society." 12

CHAPTER II
THE VOICES OF ABORIGINAL PEOPLE 14

CHAPTER III
THE VOICES OF OTHERS WHO CARE 21

WHO ARE THE OTHERS WHO CARE? 21

THOSE WHO CARE WANT A DEEPER UNDERSTANDING. 21
"The Roots of the Problem" 21
"A Women Centred Approach" 22

THOSE WHO CARE WANT FUNDAMENTAL CHANGE. 23
"The System Does Not Work." 23
"Creative Solutions" 24
"Learning from One Another" 25

THOSE WHO CARE ALSO WANT ACTION NOW. 26
"A Community-Based Approach" 26
"Choices and Opportunities for Women" 27
"Humane Environments" 28
"Responsible Action" 29

CHAPTER IV
THE VOICES OF THE PAST **30**

INTRODUCTION 30

PROBLEMS WITH THE PRESENT SYSTEM 30
The Prison for Women is Not Adequate 30
Prisons for Women are Over-Secure 31
Programming is poor 32
Women are Isolated from their Families 33
The Needs of Francophone Women are not Met 33
The Needs of Aboriginal Women are not Met 33
Responsibility for federally sentenced women must be broadened 34
Integrate Women in the Community 35
Incarceration Does Not Promote Rehabilitation 35

BUILDING ON THE VOICES OF THE PAST 35

CONCLUSION 37

CHAPTER V
THE VOICE OF RESEARCH **38**

INTRODUCTION 38
The Purpose of Research Completed For the Task Force 38
The Projects Commissioned for the Task Force 38
Other Research Used 40
The Research Perspective 40

HIGHLIGHTS OF THE INTERVIEWS WITH THE WOMEN 41
Interviews with Women in Prison 41
Interviews with non-Aboriginal, Federally Sentenced Women in the Community 49
Interviews with Aboriginal Federally Sentenced Women in the Community .. 53

HIGHLIGHTS OF THE OTHER RESEARCH STUDIES 55
Time of Change 55
Program Directions Which Work 58

CONCLUSION 59

SECTION B - ADAPTING THE WISDOM TO PRESENT REALITIES

CHAPTER VI
UNDERSTANDING THE PROBLEM **61**

THE SCOPE OF THE PROBLEM 61

PERENNIAL DILEMMAS 61

A CLOSER LOOK AT THESE DILEMMAS 62
Accommodation 62
Geographic Dislocation 63
Limited Programs, Particularly for Long-term Offenders 63
In the Provinces, an Increased Emphasis on Security, Not Programming 64
The Result: Greater Programming Inequities 64
Women Must Choose Between Programs and Location 65
Few Community-based Alternatives 66
Women Inherit Programs and Facilities Designed for Men 66
The Unique Realities of Aboriginal Women are Not Recognized 66

CONCLUSION 67

CHAPTER VII
THE BROADER CONTEXT OF THE PROBLEM 68

BEGINNING THE PROCESS OF CHANGE 68

THE BROADER ENVIRONMENT SUPPORTS ACTION 68
Feminist Analyses of the Problem have Gained Credibility 68
Aboriginal People Demand More Control over Justice for Their People 69
Charter Challenges Signal the Need for Change 69
New Recommendations to Close the Prison for Women 70
Mission Statement Points to the Need for Change 70
The Task Force on Community and Institutional Programs Urged Immediate Action 71
Tragedies in the Prison for Women Call for Urgent Action 71

CONCLUSION 71

CHAPTER VIII
THE TASK FORCE ON FEDERALLY SENTENCED WOMEN 72

THE CREATION AND MANDATE OF THE TASK FORCE 72

ORIGINAL WORKING PRINCIPLES 72

ORGANIZATION OF THE TASK FORCE 73

TERMS OF REFERENCE 73

CONSULTATIONS AND RESEARCH 74

PRINCIPLE #5: SHARED RESPONSIBILITY 111

OVERALL STATEMENT OF PRINCIPLE 111

CHAPTER XI
VISION FOR CHANGE 113

A FIRST STEP TOWARD OUR LONG-TERM GOAL 113
The Touchstone for the Recommended Plan 113
Overview 114
Detailed Description 115
Regional Women's Facilities 115
Design 115
The Central Core 115
The Living Area 116
Staffing 116
Assessment Cottage 117
Programs 118
Family Visiting 120
Mothers and Children 120
Spirituality and Religion 121
Aboriginal Programs 121
Education 122
Vocational Training 122
Recreational/Leisure 122
Volunteer Involvement 123
Design 124
Assessment and Case Planning 124
Elders 124
Programs 124
Administration and Staff 125
Community Strategy 125
Development of a Personal Plan 125
Community Worker 126
Community Support 126
Regional Advisory Councils 126
Community Release Centres 127
Halfway Houses 127
Aboriginal Centres 127
Satellite Units 128
Home Placements 128
Addiction Treatment Centres 128
Multi-Use Women's Centres 128
Mixed Group Housing 128
Mothers and Children Centre 129

CHAPTER XII
MAKING THE VISION REAL **130**

CONCLUSION

APPENDICES 134

PREFACE

Pain is often the precursor to change. This was very much the case for the Task Force on Federally Sentenced Women, whose vision for change is built primarily on descriptions and experiences of suffering. Task Force members listened as federally sentenced women spoke of their pain outside and within the criminal justice system. We heard about the distress experienced by the families and friends of the women. And we thought often of the harm suffered by the victims of crimes.

Each of us, the women and men who participated on this Task Force, was affected by this pain. We added to it our own frustration at the enormity of the task before us. Our mandate was to examine the *correctional management of federally sentenced women from the commencement of sentence to the date of warrant expiry and to develop a plan which will guide and direct this process in a manner that is responsive to the unique and special needs of this group*. But we began our work with the daunting knowledge that although the needs and situation of federally sentenced women had been studied on numerous occasions in the past, the problems experienced by these women, their victims and those who have tried to help them remained the same. How could we reduce the pain?

It was federally sentenced women themselves who gave us the energy and determination to create a new vision; a vision based on choices. It was these women, who, despite the pain of their present circumstances, despite their negative experiences with task forces and research, and despite their feelings of powerlessness and distrust, offered their ideas and their hope to the Task Force.

It was also federally sentenced women who gave us the courage to look at their needs in new ways... ways which value cooperation and the wisdom gained through women's experiences. The Task Force was built on a strong commitment to partnership, and centered on the belief that together we could find solutions. It was co-chaired by the Canadian Association of Elizabeth Fry Societies and the Correctional Service of Canada. A wide variety of community and government interests were brought together to form a Steering Committee and Working Group. Aboriginal women, despite their reservations about the mandate and organization of the Task Force, agreed to participate because of a "deep felt concern for the many citizens of our many Nations who suffer daily at the hands of the criminal justice system."[1]

The Task Force developed a women-centered approach. It encouraged the empowerment of women throughout its work, and gained much insight because it valued the experiences of women. Accordingly, most Task Force members were women. All of the researchers were women. And, interviews and consultations held with most federally sentenced women in prison and with a large number on community release were an essential part of our work.

---

[1] This quote is taken from p. 15 of this report, in the chapter titled "The Voices of Aboriginal Women".

The process itself was often painful. Throughout the Task Force, we struggled hard to work within a consensus model. This process taught us that only if people are treated with respect, only when they are empowered, can they take responsibility for their actions and make meaningful choices. We carried this insight forward to our work and to our vision for change. In the end, we understood the importance of choices in the lives of federally sentenced women and in the lives of all of us.

The recommended plan contained in this Report must be seen within the context of a long-term goal where incarceration will not be the intervention of choice, where harm done to victims, to federally sentenced women, to communities and to society will be repaired to the highest extent possible, and where Aboriginal people will have self-determination in their pursuit of justice.

The long term goal is preventive. By reducing inequities which limit choice, by preventing violence which breeds violence, our long-term goal will reduce the pain which contributes to behaviour which harms others. By encouraging preventive strategies which create meaningful choices for federally sentenced women, we will help reduce crime and increase choices for *all* Canadians. In the process, our society will become a safer and more secure place.

Our recommended plan must be seen as only a beginning to a much longer process of change in our justice system, and in society as a whole. This process has begun. Over the past decade, and particularly in the last year, our justice system has undergone careful scrutiny to ensure that it reflects the values and realities of our time. Through a massive review of our Criminal Code, through the Marshall Inquiry, the Manitoba Native Justice Inquiry, through recent efforts by women to access their right to equality through the Charter and the Human Rights Commission, and through demands by Aboriginal people for self-determination, Canadians have challenged the justice system and have often found it lagging behind a strong societal will for equality, fairness and wider social justice.

This mood of reform has been strongly avowed by Ole Ingstrup, Commissioner of the Correctional Service of Canada. Through his leadership, the entire Mission - the principles on which the Correctional Service of Canada is based - stresses shared responsibility, reintegration into the community, equality, humane treatment, and respect. And one of the objectives of the new Mission is to ensure that the needs of federally sentenced women are met. As the former Solicitor General of Canada, Pierre Blais, asserted, "We must start working *right now* on long-term solutions to the problems of federally sentenced women".[2]

---

[2] Quote taken from a speech by Pierre Blais, the Solicitor General of Canada, to the Senior Management of the Correctional Service of Canada, delivered on November 29, 1989, in Ottawa.

It is through our shared commitment to reduce the pain and to provide a full range of choices to federally sentenced women, that the Task Force members present our recommendation to close the Prison for Women *once and for all*, and to bring federally sentenced women closer to their communities.

We have taken the first step toward an essential process of change. We now invite *you* to grow through the pain and to join the process to help make our shared vision a reality.

SECTION A

THE WISDOM OF DIFFERENT VOICES

CHAPTER I

THE VOICES OF WOMEN WHO HAVE BEEN FEDERALLY SENTENCED

"We have often said that the women inside have the understanding to help themselves, that all that is required is the right kind of resources, support and help. The money spent on studies would be much better spent on family visits, on culturally appropriate help, on reducing our powerlessness to heal ourselves. But the reality is that prison conditions grow worse. We cry out for a meaningful healing process that will have real impact on our lives, but the objectives and implementation of this healing process must be premised on our need, the need to heal and walk in balance." (L. Fox and F. Sugar) [3]

- - -

These words and those of all the other federally sentenced women who spoke to us in person or through their letters, provided Task Force members with a balance and a touchstone. Whenever we were tempted to put our words and ideas before those of the women living through a federal sentence, their voices focused us on the meaning of our actions and the urgent need for caring.

The powerful presence and contributions of Lana Fox and Fran Sugar, two women who have lived through a federal sentence and who agreed to be part of the Task Force Steering Committee, provided a constant reminder of the suffering and strength of women serving federal sentences.

These reminders were amplified in a powerful way by the suicides of two federally sentenced women during the life of the Task Force. The deaths of Sandy Sayer and Pat Bear shocked and deeply affected all of us who want justice, equity and fairness for federally sentenced women.

The experiences and words of the women, their lives and their deaths unified all of us who worked on the Task Force - unified us around the pledge "to speak the truth and to let the truth be heard".[4]

---

[3] Sugar, Fran, and Fox, Lana; "Survey of Federally Sentenced Aboriginal Women in the Community", Ottawa, January 15, 1990.

[4] p. 1 of a letter written by Linda Jordan, Speaker, Native Women's Association of Canada, January 15, 1990, presenting a report entitled "Survey of Federally Sentenced Aboriginal Women in the Community" written by Fran Sugar and Lana Fox for the Task Force on Federally Sentenced Women

In gratitude for the wisdom and balance these women gave us, the Task Force members dedicate this report to all federally sentenced women. Their words, their pain, their strength and their hopes have guided our work, our vision and our recommendations. Their words provide the foundation for all the words that follow.

PRISON IS...

Prison is "trying to survive the pain."

"Prison is frustration and anger so intense that cutting into the arteries of my own arm only alleviates some of the pain." (Prisoner at Prison for Women)

"Serving long-term time in a provincial institution, though better than being away from my family, was very difficult for me. It was hard on my morale to watch short-term women come and go and to wonder when it would be my turn." (Parolee from the Prairies)

"One of the best programs here is the sexual abuse therapist, but there is a long waiting list. I don't know if my pain can wait." (Prisoner at Prison for Women)

"If my little brother had died in a big city in Ontario rather than on a reserve in Saskatchewan I know I would have been allowed to go to his funeral." (Aboriginal Prisoner at Prison for Women)

"Prison is being naked emotionally for the first time in your memory, with nowhere to hide... I build walls around my feelings and barricade my heart as best I can. I count my months, my days, until canteen, until lock-up, until release. I feel anxiety and deep depression sometimes when I look at the calender. The world is farther away with every season. My survival here is all I have." (Prisoner at Prison for Women)

Prison is "being 2000 miles from home."

"There is nothing harder than facing kids that don't know you. Doing time is easy compared to that." (Prisoner at Prison for Women)

"We have to pay for calls home or else call collect. My family can't afford it." (Prisoner at Prison for Women)

"We need a chance to earn the trust of our children. Distance and money are big barriers to achieving that." (Aboriginal Prisoner, Prison for Women)

"I couldn't believe that I was being sent so far away from home. I'd never even been away from (name of Maritime province)* in my life before." (Maritime Parolee)

"I only stayed there (at a provincial institution)* because family ties were important to me. But there were no programs for someone serving a long term. I don't think I should have been forced to choose between a prison life and my life outside." (Aboriginal Parolee)

"When I went to prison I lost everything I ever had, not just the material things, but all the relationships I ever had in my life." (Aboriginal Parolee)

"Closer to home is closer to out." (Prisoner at Prison for Women)

"Even for me from the south of Saskatchewan, it is too far for my kids to come see me. For women in jail one of the things that keeps us going is that our kids are waiting for us to come home." (Aboriginal Prisoner in a Provincial Institution)

"Last year I saw my mother for the first time in six years and I found her old, frail, almost a stranger. It is very wrong, cruel and inhumane that we should be so separated from our families. We desperately need facilities in our home provinces." (Prisoner at Prison for Women)

<u>Prison is "having no chance for real work."</u>

"In here I've been a clerk for five years now. It's the lowest job I've ever held in my life. I've lost so many skills in here. I used to work for a Vice-President. We need a lot of things such as updated computers and word processors." (A Lifer at Prison for Women)

"I think I should have a chance to work my way out - only there is no real work here." (Member - Inmate Committee at Prison for Women)

---

* Words in brackets followed by * are editorial inserts for clarification purposes only.

"We need community involvement to stay healthy. I've been a volunteer all my life... Why can't we go out more? It would benefit us and others at the same time." (A Lifer at Prison for Women)

"The current beauty parlour and woodworking courses are proving useless for gaining employment on release. We need programs and cottage industries to help women become self-supporting in here and when we get out." (Prisoner at Prison for Women)

"There are lots of intelligent women in here but no space to grow... What I mean is, the security and structure of this place works against good programming." (Aboriginal Prisoner at Prison for Women)

"One of the biggest work programs here is the laundry - but you don't even get to operate the machines - the program staff do that part." (Prisoner in a Provincial Institution)

Prison is "having no identity and no voice."

"If you make a single mistake, your reputation is ruined. If you lose control *once*, you're finished for the rest of your sentence... It's natural for women serving 25 years to be mad, frustrated. They should be more understanding instead of treating everything like a major offence... They only make the situation worse." (Prisoner in a Provincial Institution)

"If I left here to go back home (to an institution in my home province) I think I would lose everything - my privacy, my possessions, the right to wear my own clothes and the chance to have close relationships." (A Lifer at Prison for Women)

"You come in here as an adult and you leave as a child." (Prisoner in a Provincial Institution)

"I want to know why it is that people such as myself, who in the outside world were perfectly acceptable people, thinking people, had gained respect, and were listened to... why is it that the material I have presented (to prison officials)* is not taken as truth? Why should my words be censored/destroyed?" (Prisoner in a Federal Institution)

---

* Words in brackets followed by * are editorial inserts for clarification purposes only.

"Why have I witnessed over 100 slashings... wiped up pints of blood from floors and walls and carried blood soaked mattresses outside to the garbage... held women in my arms as they bled... and as they cried... why? Why do you still ONLY accept the word of security 'people'?" (Prisoner in a Federal Institution)

"My mother was going to bring my kids to visit me. A couple of days before they arrived they told me I was going to Prison for Women. They never tell you ahead of time if you're going to move, because you might make a fuss." (Aboriginal Prisoner at Prison for Women)

"The grievance procedure here is so backlogged. It takes months to even get a letter telling you about the backlog, let alone an answer to your grievance." (A Lifer at Prison for Women)

Prison is "living with labels and the violence of racism."

"It is racism, past in our memories and present in our surroundings that negates non-native attempts to reconstruct our lives. Existing programs cannot reach us, cannot surmount the barriers of mistrust that racism has built. Physicians, psychiatrists and psychologists are typically White and male. How can we be healed by those who symbolize the worst experiences of our past?" (Aboriginal Parolee, Member of the Task Force Steering Committee and Member of the Aboriginal Women's Caucus)

"Before trial, after our arrest, we need support. Most of us were raised in residential places like prisons and the judges convict us for that. I believe we are victims being victimized. We get federal sentences for running away from jail and yet that's all we've ever done is run away from institutions." (Aboriginal Parolee)

"The critical difference is racism. We are born to it and spend our lives facing it. Racism lies at the root of our life experiences. The effect is violence, violence against us, and in turn our own violence. The solution is healing: healing through traditional ceremonies, support, understanding and the compassion that will empower Aboriginal women to the betterment of ourselves, our families and our communities." (Aboriginal Parolee, Member of the Task Force Steering Committe and Member of the Aboriginal Women's Caucus)

---

* Words in brackets followed by * are editorial inserts for clarification purposes only.

LISTEN TO US...

Listen to us... "There have to be choices and opportunities if we are going to take responsibility for our lives."

"Why can't there be a day-care centre at Prison for Women?" (Aboriginal Prisoner at Prison for Women)

"We need to provide child care and parenting classes to all mothers in prison. You are virtually crippled on release in terms of caring for your children." (Aboriginal Parolee, Member of Task Force Steering Committee, and Aboriginal Women's Caucus)

"I think I'm seen as bad because I don't want to see the psychiatrist. I resent having my private life dug into... there is no Native help available." (Aboriginal Prisoner in a Provincial Institution)

"Because of the Native Sisterhood I finally knew the meaning of spirituality. I learned how to pray in a sweat and with sweetgrass. I learned the meaning of the Eagle feather and colours. With that I was even more proud of who I was in my identity." (Aboriginal Ex-Prisoner)

"If your family is coming to visit, you should be allowed to see them no matter what." (Member - Inmate Committee at Prison for Women)

"After 4 p.m. if we want a snack, there's only loaves of bread and peanut butter. If you sneak food you are charged. Why can't we have healthy food choices?" (A Lifer at Prison for Women)

"Involuntary transfers from provincial institutions to the Prison for Women must stop. Native women are particularly subject to this discriminatory practice." (Aboriginal Parolee)

"Prison offered me nothing! The Sisterhood offered me everything, but the Parole Board didn't understand what the Sisterhood had meant to me." (Aboriginal Parolee)

---

* Words in brackets followed by * are editorial inserts for clarification purposes only.

"We should have the same opportunities as men. Why can't we be nearer to our people and still have the programs we need too?" (Aboriginal Prisoner at Prison for Women)

"If I hadn't been able to come to this halfway house I would have been lost. What about women who don't have anyone or anywhere to come out to? I guess they just don't get out." (Parolee from Maritimes)

"An exercise in frustration and futility... Women (Task Force members) with good hearts and well meaning attitudes came to visit with us this morning. We wanted to talk about improving this institution. They wanted to talk about building more prisons. We should all be talking about the abolition of prisons!" (A Lifer at Prison for Women)

Listen to us... "We need some support to take responsibility for building a new life."

"Native women must help other Native women. You have not lived the life so you cannot say you understand." (Aboriginal Parolee, Member of Aboriginal Women's Caucus)

"I think the best way to help is pre-release planning. We need grants and jobs and housing. We need a gradual taste of what it is like to be back on the street. We need pre-release planning for Natives." (Aboriginal Prisoner at Prison for Women)

"I need a support system badly. I'm not prepared for the streets." (Aboriginal Prisoner in a Provincial Institution)

"I never get to see my C.O. (Classification Officer/Case Management Officer)*. She's always too busy. I think the C.O.'s should come to us when we need them, not the other way around." (A Lifer at Prison for Women)

"Survivors of abuse all need understanding, we need love too. I think love makes us responsible. As long as one person believes in us, we have hope. If we are isolated in the prison system from C.O.'s (Classification Officers/Case Management Officers)* which most Indian women are, then for sure we need that community support." (Aboriginal Parolee)

---

* Words in brackets followed by * are editorial inserts for clarification purposes only.

"Couldn't the government pay for children to visit parents in prison? Even once a year would help." (Prisoner at Prison for Women)

"Family is part of integration. All should be part of counselling. We need to keep the family together. It all comes down to life or death and who do we have... our families. P4W (Prison for Women) and the National Parole Board separates us, stipulations to stay away from husband, sisters, brothers, and then even associates, or what do they call it?... known criminals... Please... my grandfather, uncles, aunts, cousins, brothers, sisters, the whole Indian Nation would be known criminals." (Aboriginal Parolee)

"It's pretty good talking about my drug problem to people from the outside. It gives you hope. You think if they can do it, so can I." (Prisoner in a Provincial Institution)

Listen to us... "I'm not a threat to society."

"I was terrified when I saw the Prison for Women for the first time. It made me think of prisons I'd seen on television, and I knew I wasn't like that... didn't need that type of place. But there was no choice. I felt so alone." (Parolee from the Maritimes)

"Everyone is treated as a maximum in here - from parcels to programs." (Member - Inmate Committee at Prison for Women)

"They are talking about opening a minimum institution for women in Kingston. There will be eleven spots. But there are *so many* who qualify to go. How will they decide?" (A Lifer at Prison for Women)

"To be a woman and to be *seen* as violent is to be especially marked in the eyes of the administration of the prisons where women do time, and in the eyes of the staff who guard them. In a prison with a male population, our crimes would stand out much less. Among women we (Aboriginal women)* do not fit the stereotypes, and we are automatically feared, and labelled as in need of special handling. The label violent begets a self-perpetuating and destructive cycle for Aboriginal women within prisons." (Aboriginal Parolee)

---

* Words in brackets followed by * are editorial inserts for clarification purposes only.

"Women do not need greater bonds of control, they have needed and will continue to need the influence of decency and common sense in their lives... Community settings and the care of positive role models would help mend broken lives rather than deliver crushing blows to already fragile egos and wounded spirits." (Prisoner at Prison for Women)

Listen to us... "It's time for action."

"I've planted trees for a living. We gave back life to the trees. Who is putting anything back into the lifers who are in prison in Canada?" (Aboriginal Parolee)

"I and women like myself, who contribute to this chapter, are the flesh that has fed the need for this Task Force. Our pleas are drawn from our hearts and souls. We are witnesses to the human pain, the tears and the blood spilled within traditional prisons in the name of justice. **HELP STOP THE ABUSE.** (Prisoner at Prison for Women)

"In some ways I have *nothing* in common with the women who are serving provincial time here - what is 14 days compared to life? What is feeling a bit lonely for your boyfriend compared to missing out on the chance to be a wife and mother? And yet, I have *everything* in common with them. We share language, we share histories of abuse and low self esteem, we share the need to regain some control over our lives. Anything that can be done to help me, that I can do for myself, will help them also. It's the same story." (Prisoner in a Provincial Institution)

"I feel frustrated, guilty and powerless as a member of this Task Force Steering Committee. We sit here dealing with bureaucratic issues and long-term plans while the living conditions at the Prison for Women become worse and human suffering continues." (Aboriginal Parolee, Member of the Task Force Steering Committee and Member of the Aboriginal Women's Caucus)

"I am really aware of the effort you (the Task Force) are putting into this. I have a personal sense of hope that we can make some real change for women." (A Lifer at Prison for Women, during the second round of consultations, December, 1989)

"The starting point for action lies not in abstract discussions, but in the experiences of the women themselves." (Aboriginal Parolee)

CHAPTER II

THE VOICES OF ABORIGINAL PEOPLE[5]

Federally sentenced women exist at the extreme end of the continuum of "women at risk" to the criminal law sanction. This pattern was recognized early in the work of the Task Force. Women at risk (and particularly federally sentenced women) are women who have the fewest advantages[6] in Canadian society. The statistics point to Aboriginal Peoples as the most greatly disadvantaged community within Canadian society.[7] Aboriginal women have even fewer advantages. When the problem of corrections is constructed in this way, the answer must lie in creating and providing *meaningful choices*.[8] In fact, this is one of the themes and the philosophy of this Task Force report.

---

[5] This chapter was written by Patricia A. Monture, Professor of Law, Dalhousie University and member of the Task Force Working Group. The author would like to acknowledge the assistance of the other Aboriginal members of the Task Force particularly Fran Sugar and Debbie Meness whose help was greatly appreciated.

[6] Firstly, the disadvantage here discussed is primarily an economic disadvantage which then impacts negatively on the women's social experience and quality of life. Secondly, being labelled disadvantaged is often oppressive in and of itself. Such labelling conflicts with a definition of true equality (that is the respect and celebration of difference). Disadvantage when measured only by a material yardstick leads to this negative labelling. For a further expression of this idea, see p. 161-162, Patricia A. Monture, "Ka - Nin - Geh - Heh - E - Sa - Nonh - Yah - Gah" in Canadian Journal of Women and the Law, Vol 2, No. l, 169, 1986.

[7] A recent presentation of these statistics can be found in: Pamela M. White, Native Women: A Statistical Overview (Ottawa: Native Citizens Directorate, 1986); and Gilles Y. Larocque and R. Pierre Gauvin, 1986 Census Highlights on Registered Indians: Annotated Tables (Supply and Services Canada, Ottawa, 1989).

[8] Choices is not merely an important element in the assessment of what Aboriginal women serving sentences require. The Aboriginal women on the Task Force all made political choices to participate in the Task Force process. This was *not* always the easiest choice to make. It was with great hesitation that the Aboriginal women accepted their positions on the Task Force. But, it was very important to us that the Aboriginal women's truth be told. We believe that truth can only be gained through living the experience. The expert is not the individual who has book experience. White education systems have often stripped away our pride and our "Indian-ness". It should be noted from the outset that only two of the Aboriginal women members on this Task Force had any true experience of the subject matter. And to Fran Sugar and Lana Fox, it was largely your strength, kindness and love that has carried us through this experience. That all of us remained committed to this Task Force process in and of itself is an accomplishment. It has not been accomplished without sacrifice or pain.

Women must have choices. This is as true for Aboriginal[9] women as it is for all women.[10] Historically, the criminal justice system in general and the federal prison system specifically, have clearly failed to provide options for women. The mandate of this Task Force was to review federal policies about sentenced women *as women*: a task that previously has not been undertaken in the numerous reports completed on the Prison for Women. Previously, women were mere add-ons to the male system of federal incarceration. In the 1980's, this has been recognized as both unrealistic and paternalistic. Control over women's future, over women's choices, must rest within women's own experience. Likewise, adding-on Aboriginal women to the review of women serving federal sentences amounts to the same mistake as tacking women onto the tails of a system designed by, for and about men. This does not mean that a separate Task Force on Aboriginal women should have been struck. It is merely recognizing that control over our future as Aboriginal Peoples and our choices as Aboriginal women, must rest within Aboriginal communities, and with Aboriginal women.

Our distinct experience as Aboriginal women must be recognized. We cannot be either women only or Aboriginal only. Our race and our gender are integrally linked. Our identities as women flow from the teachings of our various Aboriginal Nations. That we are distinct must not be trivialized.

Being distinct means that within this new correctional philosophy of choice, choices for Aboriginal women must be guaranteed as meaningful. Aboriginal women have different notions of the family. We have a different world-view based on connection as symbolized by the circle and therefore, our way is not accepting of hierarchies. This is often described as a collective interest as opposed to an individual interest. Aboriginal women have a different order of priorizing values although the values thought to be important are believed to be the same. We have a different understanding of history, and this understandingly shapes our perceptions. The conclusion must be that within the philosophy of choices, the spectrum of choices will not always remain the same.

Not only can we not separate the Aboriginal and the woman, it is important to understand we also share a common Aboriginal history. That common history is the history of racism, oppression, genocide, and ethnocide. It is one further way in which we are distinct. This shared history impacts on Aboriginal federally sentenced women in two ways. First, as the racism of the prisons or the criminal justice system has largely been ignored or vanished, the situation of Aboriginal women as participants in Canadian society cannot be

---

[9] It was the consensus of the Task Force Working Group members that we would adopt the use of the word Aboriginal, and *not* First Nations, Native, or Indian. This choice was made as some members felt strongly that we should concur with the wording of the Constitution of Canada. Accordingly, Aboriginal includes the "Indian, Inuit, and Métis". We also use the word to include status and non-status individuals.

[10] This statement should *not* be read to assert that there exists a commonality among all women, let alone women prisoners. It is the belief of the Task Force that the circumstances of the lives of all women are *not* equal.

understood by prison administrators or correctional bureaucrats. It is these individuals who have historically controlled the administration of criminal justice. This has left Aboriginal federally sentenced women in an impossible situation. The people who hold the key to their release, they cannot trust. This lack of trust is not the sole responsibility or failure of individuals (prisoners or correctional employees) but a systematic failure to address racism. It must be recognized that the racism that infests the criminal justice system is not carried only by Aboriginal women but by other cultures and races also.

Secondly, because the prison focuses only on the incident or incidents in the Aboriginal women's history which brought them into conflict with the law, Aboriginal prisoners cannot heal because the source of their pain lies within entire lives of violence, victimization, and abuse. This point is made clear in Margaret Shaw's research where it is discussed that many Aboriginal prisoners have difficulty either expressing themselves to staff or having their personal abilities recognized.[11] This belief is further supported by extensive histories of violence and abuse among the women surveyed by the Task Force.[12] Confronting their criminal behaviour and responsibility is not a complete healing.

To summarize in words more eloquent than we have, Fran Sugar and Lana Fox explain:

> "Our understandings of law, of courts, of police, of the judicial system, and of prisons are all set by lifetimes defined by racism. Racism is not simply set by the overt experiences of racism, though most of us have known this direct hatred, have been called "dirty Indians" in school, or in foster homes, or by police or guards, or have seen the differences in the way we were treated and have known that this was no accident. Racism is much more extensive than this. Culturally, economically, and as Peoples we have been oppressed and pushed aside by Whites. We were sent to live on reserves that denied us a livelihood, controlled us with rules that we did not set, and made us dependent on services we could not provide for ourselves."[13]

Racism is a systematic barrier which operates in prisons merely as a reflection and extension of the greater and dominant society. The reality is that racism has established a situation where Aboriginal women serving federal sentences can only be further harmed.

---

[11] p. 55, Margaret Shaw, "Survey of Federally Sentenced Women", Ottawa, Canada, December 1989.

[12] pgs. 10-11, Fran Sugar and Lana Fox, "Survey of Federally Sentenced Aboriginal Women in the Community", Ottawa, Canada, January 1990. For a further discussion see Shaw (ibid) at pages 56-58.

[13] pgs. 5-10, Sugar and Fox (ibid).

It must be recognized that the racism which results in our oppression is violence. As Aboriginal people understand that oppression is violence, it is essential that staff and especially program and medical staff be Aboriginal people. This is not different from the recognition that women not men are best suited to provide certain security and program functions within institutional settings for women. It must be made mandatory that all staff, Aboriginal or otherwise, have a demonstrated understanding and respect for Aboriginal culture and traditions.[14]

Another variation on this same theme is apparent when conditional release is considered. Aboriginal women need Aboriginal halfway houses now. They need support in their communities and access to parole on reserves. Aboriginal women are frequently denied the opportunity (others would assert it is a right) to return home to their reserves on release because there is no supervised housing or parole supervision available. The fact that resources are limited (either in the real terms of service or monetarily) can no longer be allowed as an acceptable excuse or justification for the way things are. The responsibility to fully resource meaningful choices for Aboriginal women must be mandated in a timely way.

Further to the shared history of Aboriginal women, there is another theme emerging in the research. Aboriginal women have "a strong and uniform plea that their cultural and spiritual backgrounds be recognized and accepted, and that all aspects of their treatment within the prison and on release in the community reflect this recognition."[15] This plea comes not only from Prison for Women, but also from those Aboriginal women in provincial institutions. It cannot be over emphasized that programming (in such areas as parenting, sexual abuse, self-esteem, and career choices), education, and security *must* be provided in ways that are meaningful to Aboriginal women. This must not only include the meaningful participation of Aboriginal People, but also the meaningful participation of Aboriginal women who have been there and are healing. It is these women that have the most to offer Aboriginal prisoners.

The participation of Aboriginal women in this Task Force must never be viewed as a recognition that the jurisdiction of the federal government of Canada (or any provincial/ territorial government) in the affairs of our Nations is valid. Our Peoples, as Nations, have never consented to the application of the Euro-Canadian legal systems and the corresponding values. Our participation in the Task Force should be viewed as *only* a deep felt concern for the many citizens of our many Nations who suffer daily at the hands of the criminal justice system. These were conditions that were recognized at the outset of this work.

---

[14] pgs. 57-58, Shaw (ibid).

[15] p. 54, Shaw (ibid).

The mandate of this Task Force was too narrow to suit our needs and reflect our concerns. Beginning with the date of sentence and ending at the date of warrant expiry, effectively moves from the purview of the Task Force any consideration of the questions of sovereignty and control. Therefore, future meaningful negotiations must commence with Aboriginal governments who are now willing and competent to take over full or limited jurisdiction in the area of criminal justice. This will require the meaningful commitments of federal, all provincial and territorial authorities in Canada. This recommendation is of pressing importance to Aboriginal women, and cannot be shuffled under the number of other immediate and necessary recommendations that are being put forth. Further, it is a good way of ensuring that meaningful resourcing will exist at some time in the future.[16]

We must meaningfully work together toward not just short term or interim solutions, but those offering a genuine remedy and hope for the future. The Report of the Correctional Law Review on Native Peoples has already recognized this important commitment. As Aboriginal women, sentenced or not, we recognize that we have an obligation in our efforts to the seven generations who are yet to come. As it stands now, an Aboriginal woman is more likely to go to prison than she is to go to university.[17] This is a reality we will not accept for our future.

Meaningful choices also entail that the governments involved in this vision must demonstrate their good faith. Too many Task Forces on prisoners or other Aboriginal issues have ended up on shelves collecting dust. Aboriginal communities have demonstrated their good faith by remaining committed to this work. It is essential that this report be implemented in both timely and meaningful ways.

Our dissatisfaction with the mandate also extends to the artificial (but perhaps necessary) distinction between men and women. As previously discussed in this chapter, Aboriginal culture teaches connection and *not* separation. Our nations do not separate men from women, although we do recognize that each has its own unique roles and responsibilities. The teachings of creation require that only together will the two sexes provide a complete philosophical and spiritual balance. We are nations and that requires the equality of both sexes.

We also do not accept that any real change will occur by focusing our attention solely on the plight of Aboriginal *prisoners*. Those individuals on charge or at risk are of no less concern to us than those already federally sentenced. Efforts must therefore focus on "turning off the tap" so Aboriginal individuals no longer come into conflict with foreign justice systems, be they child welfare systems, juvenile justice, federal or provincial systems.

---

[16] pgs. 10-22, Correctional Law Review, "Correctional Issues Affecting Native Peoples".

[17] Canadian Human Rights Commission, Annual Report, 1988.

It is only when we are able to reach this point that we will again be remaining and living true to our traditional philosophies as they were given to us by the Creator.

The position of Aboriginal women on the Task Force should not be viewed as radical, militant or impossible. It is our dream, and the dream of many Aboriginal Nations, and it will be reached. Many times it has been repeated by Aboriginal women speaking to the Task Force during consultations, "we are only telling you what we understand to be the truth". This truth is found within our experience. This is not to say that *only* Aboriginal People have access to the truth. Quite the contrary, all races (red, yellow, black and white) were given faith traditions. Each of these may be referred to as a racially and culturally specific truth. These references to Aboriginal truth are important because it is most often our teachings that are invalidated or overlooked by the dominant society. This is what is referred to in this report as racism. Further, the weaknesses of the Task Force have been pointed out only to ensure that it is clear we recognize them. We accept them solely for the purpose of moving on and do not wish to belabour them. These, too, are the realizations that pre-conditioned our participation in the Task Force. *We must move on from here!*

We have not shared what we understand to be the truth only for the benefit of Aboriginal women or Aboriginal people, but for all Peoples. As advocated by the John Howard Society of Manitoba, Aboriginal Peoples are the ones we must turn to as models in the area of alternative dispute resolution:

> "We endorse a restorative model of justice rather than a retributive one. Mediation, reparation, and reconciliation are the best methods. Solutions must come from within the local community. The focus must be on problem-solving, dialogue and mediation. ... We want this to be similar to the Tribal system of justice... a non-criminal model with focus on the offenders within their culture and community. The victims too need their power restored and the offender needs to accept responsibility and accountability. We recommend a holistic approach."[18]

Alternatives are now the central cry for reform within the criminal justice system. We submit that alternatives must be principled on giving women meaningful choices.

Aboriginal nations have the power to heal. We only need the resources and respect to do so. This is best summarized by the recent statement of the Aboriginal Women's Caucus:[19]

---

[18] p. 14, Winnipeg Consultation Summary of Oral Proceedings to the Task Force on Federally Sentenced Women. Presentation of the John Howard Society of Manitoba.

[19] The Aboriginal Women's Caucus is a group of First Nation's Women seeking social justice for First Nation's citizens. Their mandate has focused primarily, but not solely on issues of criminal justice. The Aboriginal Women's Caucus is affiliated with the Native Women's Association of Canada.

"All Aboriginal, First Nations citizens are in conflict with the law. We are First Peoples with an inherent right to exercise our own systems of justice and the values these systems represent. The issue of Aboriginal women and the criminal justice system is merely the most blatant example of the oppression of First Nations People under a system of laws to which we have never consented. This position is supported by a number of recognized organizations including the Canadian Bar Association. ....

Our recommendations should in no way be viewed as a final product or a complete list. More accurately, our recommendations should be viewed as the minimum requirements that the Solicitor General's department must provide should you sincerely wish to prevent the continued violence and racism of the current criminal justice system as it is presently inflicted on First Nations Peoples. They are minimum requirements because the Solicitor General and the Government of Canada must become responsible and accountable if they wish to continue locking up First Nations Citizens. What is required is *ACTION NOW*."[20]

No previous task force nor royal commission on corrections whether it was focused on Aboriginal Peoples, women, or prisons generally, has ever recognized the unique position of Aboriginal women. The Aboriginal voice has been relegated to a few pages of these previous reports or to several recommendations which were disconnected philosophically from the thrust of those works. This has effectively silenced our voice and trivialized our experience. Heading into the 1990's, we find that this report has not only acknowledged our voice and our experience but, this report respects our historical and founding position as the Original Peoples of Canada. It is our voice that helps to lead this new vision for women in corrections. The Aboriginal women who helped in this report are celebrating because this is a first. It is this realization that gives us hope. We trust that the message of Aboriginal women is now clear. We **ALL** require **ACTION NOW.**

---

[20] pgs. 1-2 of a brief submitted by the Aboriginal Women's Caucus to the Solicitor General, September 1989.

CHAPTER III

THE VOICES OF OTHERS WHO CARE

WHO ARE THE OTHERS WHO CARE?

Through the consultation process, members of the Task Force discovered that the people who care are as disparate and unique as the federally sentenced women they care about. Politicians, members of women's groups, government officials, Elizabeth Fry Workers, Salvation Army workers, correctional staff, Elders, women who had been in prison, counsellors, members of Aboriginal organizations, academics, and many others expressed their concern about the situation experienced by federally sentenced women and shared their hopes for the future. In total over 300 individuals and organizations made submissions or presentations to the Task Force. They spoke for many others who care but were not reached by the Task Force. Their caring was obvious in the passion behind many of the submissions. Their caring was evident in the careful preparation so many put into their words.

Those who care spoke of learning, of understanding, of community responsibility, of woman-centred programming, of empowerment for the women. And they spoke of dramatic change. The vision for change shared by the people who care was remarkably consistent in its rejection of traditional incarceration and in its movement toward community-based alternatives supported by preventive programming and policies.

Their words, as well as the work and commitment of countless others who care, provide the energy and creativity to help move us toward such a vision for change. And now, the words of some of those who care will speak for themselves.

THOSE WHO CARE WANT A DEEPER UNDERSTANDING.

"The Roots of the Problem"

"We must recognize the significance of the fact that the majority of women who commit crimes are those in our society who have the fewest advantages." (Elizabeth Fry Society of Saskatchewan)

"There must be mandatory anti-racism and cross-cultural training for staff and administration. The racism is rampant out there." (Aboriginal Women's Council of Saskatchewan)

"The relationship between the conditions of women's lives and their subsequent involvement in the criminal justice system must form the basis of future policy. Social factors, such as poverty, unemployment, education, child and sexual abuse, are key in understanding women's involvement in crime and developing appropriate rehabilitation programs which are truly 'just'." (Manitoba Action Committee on the Status of Women)

"Compared to non-Native inmates, federally sentenced Native women are more likely to have addiction problems, less likely to have grade ten and less likely to have an employment history. They are also more likely to both have children and be raising these children on their own. The fact that, at the time of their arrest, 67% of Native offenders had been residing in urban communities while only 20% of them had been born in such communities, suggests that almost half of them could be lacking the skills needed to cope in an urban environment." (Native Counselling Services of Alberta)

"Women's conflict with the criminal justice system is a status of women issue... All programming and planning must take this into account." (Elizabeth Fry Society of Hamilton)

"The endless cycle of Native incarceration and recidivism will only be broken if the underlying causes of this situation are identified, addressed and dealt with in a realistic and holistic fashion. Otherwise, the endemic poverty, under-education and ensuing frustration will continue to generate anti-societal responses." (Gabriel Dumont Institute of Native Studies and Applied Research)

"It is essential that the social situation of women in general be taken into consideration in the elaboration of programs for women in custody: female offenders' problems of dependence often have the same roots as the problems of dependence experienced by women in general." (Joanne Vallée, Directrice générale, Association des services de réhabilitation sociale du Québec)

"A Women Centred Approach"

"It is my sincere belief the women in prison have unique needs which have not been fully addressed by our correctional management policies and practices. It is important that our response to this situation be strategic, action-oriented and comprehensive." (Ole Ingstrup, Commissioner, Correctional Service of Canada, in a letter dated March 28, 1989 to Steering Committee members of the Task Force)

"Why don't we ask women serving sentences to help us design the programs that they want to have...that they identify as important? We need to empower women." (John Brewin, M.P., Victoria Riding)

"We need to think in terms of 'a safe place for women'. Women offenders are not different from any other woman in this room." (Audrey Wildman, Board Member, Saskatchewan Action Committee, Status of Women)

"The separation of mother and child is a human tragedy. This punishes the child as well as the mother." (Louise Simard, NDP, MLA, Status of Women Critic, Regina)

"Most alcohol and addiction programs were developed for men...We perceive the need for expansion of those programs which take into account the experiences in women's lives which lead to their abuse of drugs and alcohol." (Elizabeth Fry Society of Saskatchewan)

"In seeking a means of improving conditions for women in penitentiaries, we have opted for equity, rather than for equality, with the men. We should not simply superimpose male models of corrections on female penitentiaries. Such an approach has been proven inadequate in the larger society - it is even more inadequate when applied to women's prisons." (Tina Hattem researcher)

"Instead of looking at what security level is required for the carceral portion of the sentence, we need to look at who, fundamentally, the women are, what are their needs, and then design an institution around that knowledge." (James Phelps, Deputy Commissioner, Correctional Programs and Operations, Co-Chair, Steering Committee, Task Force on Federally Sentenced Women)

THOSE WHO CARE WANT FUNDAMENTAL CHANGE.

"The System Does Not Work."

"There is little serious argument today with the view that custodial sentences are an ineffective response to criminal behaviour." (John Howard Society of Manitoba)

"If you build more prisons, you will find more women to fill them." (Lorenne Clark, Criminal Lawyer, Nova Scotia)

"Building prisons to replace P4W (Prison for Women) is defeating the purpose of trying to supply preventative programming." (Aboriginal Women's Council of Saskatchewan)

"Long-term programs dealing with anger control, sexual abuse and self-esteem are required. These needs should be dealt with first before dealing with addiction problems. Deal with the cause first." (Native Liaison Worker, Alberta)

"You (the Task Force)* have proceeded from an assumption which assumes (erroneously) that incarceration in an institution is an appropriate response to women who commit offenses against the Criminal Code." (Ron Schriml, Professor, University of Regina)

"Creative Solutions"

"We need to get creative when we think of women and release. Maybe we need a different release mechanism for women, certainly we need to look at a wider variety of community alternatives." (Cathy Gainer, Director, Strategic Planning, National Parole Board)

"I would like to see a more co-operative approach to problem solving and more collaboration with private agencies in the system. There is a need to look at the special needs of women and at creative options." (Barbara Brooks, Manager, Contracted Services, Alberta Corrections)

"I believe that the small number of federally sentenced women, and the knowledge that they are not perceived nor are they in reality a threat to society, are two facts that give us a wonderful opportunity to do something different....to try a new model." (Bonnie Diamond, Executive Director, Canadian Association of Elizabeth Fry Societies, and co-chair, Steering Committee, Task Force on Federally Sentenced Women)

"Furthermore, with very few exceptions, the level of security required for the female offender is low relative to their male counterparts, and the risk presented to the community, as a result of walkaway or escape is lower. I believe this level of societal tolerance would permit very significant flexibility for C.S.C. if we have the imagination to seize the opportunity." (Jeff Christian, District Director, Alberta/Northwest Territories District; excerpt from Correctional Service of Canada Prairie Region Submission to the Task Force)

---

* Words in brackets followed by an * are editorial inserts for clarification only

"With Aboriginal people, we need to connect to the road they are going down. We need to work with their communities when they tell us they are ready. We need to listen to ways in which Aboriginal women in prison can be brought closer to home and to their Native ways." (James Phelps, Deputy Commissioner, Correctional Programs and Operations, co-chair, Steering Committee, Task Force on Federally Sentenced Women)

"When we consider that 85% of federally sentenced women have been sexually or physically abused, we must understand the importance of dealing with the inner pain before we can hope to rehabilitate the person. A holistic approach to healing is the only way to complete recovery." (Major Hillary Jackson; excerpt from the Salvation Army Correctional Services Department Consultation Response to the Working Group of the Task Force)

"Learning from One Another"

"Education is what unlocks doors. As knowledge increases, so do attitudes and behaviour change, and from knowledge comes compassion. We need to dialogue. The journey is tough but it is important to take the first step. The Task Force has taken the first step." (Noel Knockwood, Elder)

"The Native way is life teaching. It's telling young people to follow our culture and be somebody. As Elders, we try to share what we know... what we learned from our ancestors - we invite wardens to listen to our teachings - we are not trying to teach anything bad." (Joan Lavalee, Elder, Aboriginal Women's Caucus)

"Governments who provide correctional services need to develop strategic partnerships with community groups...we are all stakeholders and share common concerns." (Chris LaFontaine, Executive Director, Gabriel Dumont Institute)

"It is our belief that non-Native society has much to learn from Native traditions and wisdom. It is our hope that the demonstration of tribal justice systems, would gradually move toward a restorative, community-based justice model in our country. In that way, all citizens affected by the injustices of current practices, be they Native or non-Native, male or female, would benefit from a more humane and sensible way of administering justice." (John Howard Society, Manitoba)

THOSE WHO CARE ALSO WANT ACTION NOW.

"A Community-Based Approach"

"In New Brunswick we want to take women out of the correctional centre, and accommodate them in a community residential setting. Women do not present a high risk to the community, and they should be given the opportunity to be closer to and more a part of that community." (Ian Culligan, Director of Corrections, New Brunswick)

"I think we should establish Community Prison Boards which would function similarly to school/hospital or park boards, and which would be composed of concerned citizens and inmate representatives. The Board would not be under the control of corrections like current Citizen's Advisory Committees." (Claire Culhane, Prisoner's Rights Group)

"Community agencies provide an important service both in the institutions and in the community. Given that the overriding characteristic of incarcerated women is dependency, it is important to involve community-based program deliverers in the institutional setting." (Willie Gibbs, Deputy Commissioner, Atlantic Region, Correctional Service of Canada)

"The need for a 'medicine lodge' is very real and an immediate problem. Many of the inmates I have encountered in prison have lost their sense of who they are and for this reason spiritual guidance is necessary." (Elder, Aboriginal Women's Caucus)

"M2/W2 would like to see a radical re-focusing of the criminal justice system. In terms of female prisoners, we believe that a family or community perspective on programming needs is essential. This would acknowledge the rehabilitative resource families can be." (Darrel Heidebrecht, Man to Man/ Woman to Woman (M2/W2), Edmonton)

"Existing facilities, such as transition houses could possibly be used to place women on day parole in areas where there are insufficient half-way houses." (Correctional Service of Canada Pacific Region Submission to the Task Force)

"Choices and Opportunities for Women"

"Mopping floors doesn't build self esteem. Women need incentives to do good work and to take pride in that work. We need vocational opportunities for women which simulate the real world and don't perpetuate stereotypic roles for women." (Staff member at Prison for Women)

"Key positions in women's institutions should be filled by women - this provides role models, a feminist perspective and empowerment." (Christie Jefferson, Executive Director, Legal Education Action Fund)

"Resources should be provided for Native Healers and Spiritual Leaders to attend to the needs of Native women. These people should be given the same status as licensed doctors and clergy." (Elizabeth Fry Society of Hamilton)

"We believe that mothers and infants who will be living together following incarceration should not be separated during incarceration. We are aware of the bonding that occurs between mothers and their infants in the first hours and days of an infant's life and recommend the two remain together when the mother wishes." (Elizabeth Fry Society of Edmonton)

"Rehabilitation programs must be provided alongside relationship programs, otherwise the women will relapse." (Maggie Hodgson, Executive Director, Nechi Institute)

"It is hard to plan for release when you are 1000 miles away from home." (Rose-Marie Blair-Smith, Council of Yukon Indians)

"Let women in prison learn to manage their own lives by managing their own lives." (Bonnie Diamond, Executive Director, Canadian Association of Elizabeth Fry Societies and co-chair of the Task Force Steering Committee)

"Humane Environments"

"Undue hardship and significant emotional upheaval is suffered as a result of women being incarcerated great distances from their homes. Federally sentenced women must have the opportunity to serve their sentences as close to their families/release communities as is possible." (Andrew Graham, Deputy Commissioner, Ontario Region, Correctional Service of Canada)

"While the sentence a woman receives upon conviction of a crime constitutes society's punishment for her actions, we can begin to see the incarceration itself as a positive, caring process of assisting the women to return to society as quickly as possible, equipped to remain out of conflict with the law in the future." (Darlene Lawson, Executive Director, Elizabeth Fry Society of Toronto)

"Institutions must examine the difference between privileges and rights. Fresh air is not a privilege or a reward but it is a right." (Aboriginal Women's Caucus of Saskatchewan)

"We have always taken the position that only women should staff our women's facility in Stephenville. But women need specific training as well, training to ensure that they bring the right interpersonal skills and attitudes to the job." (Marvin McNutt, Director of Adult Corrections, Newfoundland)

"This is the place where I am too. We need meaningful roles and training to help us avoid boredom and burnout." (A Correctional Officer in a Women's Institution)

"'White tape' restricts and standardizes us. What happened to the concept of freedom and a fair society?" (Noel Knockwood, Elder)

"Our idea for a new design concept is aimed at addressing the major goals in the Mission. Physically, this translates into a prison design which attempts to create a residential environment, one that gives offenders an opportunity to experience the sense of community and self-responsibility normally expected in society. Our organization has the accommodation needs of federally sentenced women under consideration (through the Task Force) and the new concept would appear to be very suitable to their situation." (H.K. Chaudhry, Senior Director, Construction Policy and Services, Correctional Service of Canada)

"It is important to remember that it is difficult dealing with incest and sexual abuse in the community - and even more difficult for the imprisoned. Women should be housed in a setting where they can find support, where they can feel comfortable to talk about abuse and self-esteem." (Jane Kardstat, Executive Director, Sexual Abuse Centre, Edmonton, Alberta)

"Responsible Action"

"The justice system is a part of the community and they must remember their responsibility". (Students, Human Justice Program, Gabriel Dumont Institute)

"From our experience, there has never been a program that has so drastically changed the lives of our clients as has the native spirituality program. Almost for the first time in their lives, they have had to take a good look at themselves: they have had to take account for their actions; and they have had to take responsibility for their own lives." (Cliff White, Executive Director, Allied Indian and Métis Society of B.C.)

"It should be emphatically clear that these needs cannot and should not be exclusively the domain of volunteer and service organizations. A commitment of government resources is essential". (Gabriel Dumont Institute, Prince Albert, Saskatchewan)

"We must all share responsibility for crime. Governments must make amends by providing resources and opportunities. Communities must amend by seeing the hurt and daring to make it better. But it is the federally sentenced woman herself who must really make amends. She must confront her painful past, she must take responsibility for her actions, and she must make choices that rebuild her life. Hers is by far the most onerous task." (Bonnie Diamond, Executive Director, Canadian Association of Elizabeth Fry Societies and co-chair, Steering Committee, Task Force on Federally Sentenced Women)

CHAPTER IV

THE VOICES OF THE PAST

INTRODUCTION

Voices from the past have been remarkably consistent in both their identification of the problems experienced by federally sentenced women, and their recommendations for change. As early as 1914, the Royal Commission on Penitentiaries (Macdonnell Report) stated that "the interests of all concerned would be best served if these few inmates were transferred [and] ... arrangements...made with the provincial authority for the custody of all female offenders".[21]

Since 1934, all but one of the nine major government commissions and task forces who have looked at the problems of federally sentenced women have recommended closure of the Prison for Women, and a greater move toward regional and/or community facilities and services. In fact, the first call for the closure of the Prison for Women came only four years after it was opened, from the 1938 Royal Commission on the Penal System (Archambault Commission).

Overall, the findings and recommendations of task forces over the past fifty years have previewed many of the ideas presented to this Task Force. Reports of task forces and royal commissions in Canada concerned with federally sentenced women, as well as briefs addressing women's incarceration have raised many of the problems and ideas for change heard through the voices of women in prison, community workers, academics, corrections officials and policy makers cited in earlier chapters.

In this chapter, the voices from the past which spoke through previous task forces and commissions in Canada will help clarify the scope of the problems faced by federally sentenced women, and will point toward some directions for creative change.

PROBLEMS WITH THE PRESENT SYSTEM

The Prison for Women is Not Adequate

Official reports and briefs prepared since the completion of the Prison for Women in 1934 have uniformly identified the Prison for Women as inadequate. In 1977, the Parliamentary Sub-Committee Report on the Penitentiary System in Canada (*MacGuigan Report*) said it was "unfit for bears, much less women".[22] The authors of this report also noted that:

---

[21] p.8 Macdonnell, George, Report of the Royal Commission on Penitentiaries, 1914, Ottawa, Canada.

[22] p.135 Parliamentary Sub-Committee Report on the Penitentiary System in Canada, Ottawa, Canada, 1977.

"One area in which women have equality in Canada - without trying - is in the national system of punishment. The nominal equality translates itself into injustice. But lest the injustice fail to be absolute, the equality ends and reverts to outright discrimination when it comes time to provide constructive positives - recreation, programs, basic facilities and space - for women."[23]

More recently, the Canadian Bar Association, in a 1988 Report on imprisonment, asserted that:

"In the case of P4W (Prison for Women), we are of the view that the time has now passed when another Royal Commission or another committee report is required to urge its closure. We recommend that legislation be introduced to compel closure of the Prison for Women in a timely way." [24]

Prisons for Women are Over-Secure

The *Ouimet Report*[25] in 1969, and the Royal Commission on the Status of Women[26] in 1970, expressed concern regarding the maximum security environment used to house all women regardless of their security classifications.

In addition, the MacGuigan report made the following observation:

"Most of the women in this tight security are in reality medium or minimum security inmates in that their character and behaviour conform to the criteria set out for these lesser degrees of custody. Certainly a very small number requires maximum security custody under the formal definition."[27]

In 1988, the House of Commons Standing Committee on Justice and Legal Affairs (Daubney Committee) reviewed sentencing, conditional release and related aspects of corrections in Canada. Its report, Taking Responsibility, stated:

---

[23] p. 134, Ibid

[24] p.297, Jackson, M., Justice Behind the Walls, Canadian Bar Association, Ottawa, Canada, 1988.

[25] Report of the Canadian Committee on Corrections, (Ouimet Report), Ottawa, 1969

[26] Report of the Royal Commission on the Status of Women, Ottawa, Ontario, 1970.

[27] p.135, MacGuigan report op cit.

"The Committee is concerned that large numbers of women prisoners across the country are being detained in facilities which provide much higher security than most of them require and than most of them would be subjected to if they were men."[28]

Programming is poor

Virtually every report since 1934 identified federally sentenced women as "a correctional afterthought"[29] in terms of programming variety and quality. Vocational testing and training programs, pre-release and post-release programs were a particular focus for criticism. In addition, over the past decade, concern has grown with the low level of programming to address the abuse and dependency experienced by so many women under federal sentence.

The Canadian Human Rights Commission ruled on a complaint filed in 1981 alleging that the realities of federal incarceration of women amounted to sexual discrimination. "The key finding of the Human Rights Commission was that, because the Prison for Women is the only federal penitentiary for women, female prisoners have less access to training and rehabilitation programs than do male inmates."[30]

The Commission's ruling resulted in a number of changes at the Prison for Women, including increased educational and vocational opportunities, and increased community interaction with the Prison.

The government has, on numerous occasions, recognized the need to focus on the special program needs of women in corrections. In 1974, the Solicitor General appointed the National Advisory Committee on the Female Offender (NACFO, which produced the *Clark Report*)[31] to make specific recommendations appropriate to women's unique programs and security needs. In 1982, the Permanent National Advisory Committee on Federal Female Offenders (PNACFFO) was established with both government and private sector representation. Its role is to advise the Commissioner on current programs and long-term policy planning related to women in federal corrections. In 1985, the Correctional Service of Canada created the Division of Native and Female Offender Programs.

---

[28] p.233 Taking Responsibility, Report of the Standing Committee on Justice and Solicitor General on its Review of Sentencing, Conditional Release and Related Aspects of Corrections, David Daubney, M.P., Chairman, Ottawa, Canada, August, 1988.

[29] Fabiano, Liz, and Ross, Dr. Robert, "Correctional Afterthoughts: Programs for Female Offenders", Ottawa, Ontario, November, 1989.

[30] "Liaison", Vol. 8, Number 3, Solicitor General, Canada, March, 1982.

[31] *Clark Report*, (1977); Report of the National Advisory Committee on the National Offender, Ottawa: Ministry of Solicitor General

Women are Isolated from their Families

The isolation of women from their families created by the existence of only one central federal institution for women, was raised in virtually every report submitted since 1934, and declared unacceptable especially for women with young children.

"The Canadian Bar Association's recent call for closure of the Prison is supported primarily by the recognition that the distant geographic separation of federal female offenders from their families and community support not only makes the pain of imprisonment harsher than is reasonable, but also undermines their prospects for successful reintegration."[32]

The Needs of Francophone Women are not Met

This theme was not raised by past commissions as often as the four themes above. The *Ouimet Report*[33] identified a lack of French-language programs. The *Chinnery Report*,[34] a 1978 committee established to write an action plan for the replacement of the Prison for Women, also considered how best to deal with the problems of Francophone women. Most reports which advised greater provincial responsibility for federally sentenced women, also made mention of these special needs implicitly or explicitly.

The Needs of Aboriginal Women are not Met

It should be noted that past task forces and commissions have given only minimal recognition to the special needs and experiences of Aboriginal women. Their needs have been mentioned in some reports but only as part of the special situation of federally sentenced women generally, and were given particular mention in the *Ouimet Report*, although primarily in the context of provincial corrections:

"The fact that in many prisons for women, particularly in the Western provinces, the majority of the inmates are Indian or Métis calls for special programs in these institutions designed to meet the particular needs of these Indian or Métis women."[35]

Others have recognized the additional discrimination experienced by Aboriginal women. So, for example, the *Daubney Report* states:

---

[32] Quoted on p.239 of Taking Responsibility, op cit.

[33] Report of the Canadian Committee on Corrections, (Ouimet Report), op. cit.

[34] Report of the Joint Committee to Study Alternatives for the Housing of the Federal Female Offender, (Chinnery Report), Canada, 1978.

[35] p. 403 Report of the Canadian Committee on Corrections, (Ouimet Report), op cit.

"Imprisoned Native women are triply disadvantaged: they suffer the pains of incarceration common to all prisoners; in addition, they experience both the pains Native prisoners feel as a result of their cultural dislocation and those which women prisoners experience as a result of being incarcerated far from home and family."[36]

The 1988 Solicitor General Task Force on Aboriginal Peoples in Federal Corrections further advised that:

"The Ministry should explore the potential to develop a holistic approach that treats a variety of problems within the context of a single program for Aboriginal female offenders at the Prison for Women."[37]

Responsibility for federally sentenced women must be broadened

As early as 1938, the Royal Commission on the Penal System recommended that women be returned to their home provinces and be placed under provincial authority. The emphasis on provincial responsibility for federally sentenced women was repeated in the *Ouimet Report*, and resulted in the negotiation of Exchange of Service Agreements which were signed in 1975.

In 1977, the report of the Task Force on the Role of the Private Sector in Criminal Justice (*the Sauvé Report*)[38], suggested service delivery as the primary role of the voluntary sector. It emphasized a spirit of partnership between government and the voluntary sector, and stated that the voluntary sector had a role to play in mobilizing citizenship participation, assisting government in setting priorities and preventing crime, providing critical analysis of government initiatives and providing public and community education programs. It is generally recognized by correctional systems that they alone cannot successfully accomplish all these things: the participation of the voluntary sector is required if there is to be any chance of success.

More recently, the report *Taking Responsibility*[39] also stressed that the community as well as the women under sentence have responsibilities to help repair the harm done and to encourage creative change which will assist in reducing future crime.

---

[36] p.237 Taking Responsibility op cit.

[37] Recommendation 26.1 of the Final Report of the Task Force on Aboriginal Peoples in Federal Corrections, Solicitor General, Canada, 1988.

[38] The Task Force on the Role of the Private Sector in Criminal Justice (the Sauvé Report), Ottawa, Canada, April, 1977

[39] Taking Responsibility op cit.

"The Committee has indicated ....its support for victim-offender reconciliation and in particular its support for offenders accepting/taking responsibility for their criminal conduct by taking steps to repair the harm done. Hand-in-hand with this is the responsibility of the community to offer support to the offender to make constructive changes in her or his life which will reduce the prospects of further conflict with the law." [40]

Integrate Women in the Community

This theme surfaced first through a concern to reduce the isolation of women from friends and family. Over time the strength of this theme has increased with the recognition that community integration is an effective way to provide the support, continuity and variety of services needed for women to take responsibility for their lives.

The federal government, as part of its 1979 action plan on the status of women, entitled "Towards Equality for Women", highlighted the responsibility of the Solicitor General to facilitate the reintegration of female offenders into their communities and to ensure that female offenders receive the same advantages as their male counterparts.

Incarceration Does Not Promote Rehabilitation

In the same vein, past reports have agreed that rehabilitation is a positive and possible goal for federally sentenced women, but have not seen incarceration as providing the best setting for rehabilitation programs. For example, the authors of *Taking Responsibility* wrote:

"Since imprisonment generally offers the public protection from criminal behaviour for only a limited time, rehabilitation of the offender is of great importance. However, prisons have not generally been effective in reforming their inmates, as the high incidence of recidivism among prison populations shows."[41]

BUILDING ON THE VOICES OF THE PAST

A considerable amount of effort and expertise has been devoted since 1934 to examining the problems of federally sentenced women and to working towards solutions to these problems. The major recommendations which emerged from government commissions and task forces can be highlighted as follows:

---

[40] p.229, Taking Responsibility, op cit.

[41] p.75, Taking Responsibility op cit.

Most have recommended that the Prison for Women be closed. In fact, among major commissions, only the Fauteux Committee (1956)[42], recommended that it remain open, on the grounds that it was easier to develop good programs in one prison. The differences of opinion expressed through task force and commission reports have been principally over the type of arrangement that should replace the Prison for Women. The proposed alternatives have ranged from the transfer of full responsibility for all sentenced women to the provinces, to the creation of new federal facilities with varying degrees of regionalization, to a variety of federal-provincial joint initiatives.

This central issue of accommodation is interwoven with other issues such as programming and staffing. The wide range of recommendations on these related issues include:

- the creation of a minimum security annex;
- the creation of a broader range of security classifications based on the risks and needs of the women themselves, not on the risks and needs of the male population;
- higher levels of inmate pay through the creation of better work and programming opportunities;
- more intensive treatment programs;
- improved staff training and standards;
- bilingual services and French-language programming;
- programs designed for and by Aboriginal women;
- expanded and improved services and programs in the community for women;
- diversion of women from imprisonment generally;
- ongoing and improved research and statistics-gathering about women in corrections.

---

[42] Report of the Advisory Committee on the Principles and Procedures Followed in the Remission Service of the Department of Justice, (Fauteux Report), Ottawa, Canada, 1956

CONCLUSION

The *Needham Report*,[43] produced by a federal-provincial committee established to deal with the recommendations of the *Clark Report*,[44] said:

"There is no *ideal* solution to the problem of the female offender. The country is too vast and the number of women too small to permit anything but the compromise solution recommended in this report."[45]

The voices of the past have rarely agreed on the best "compromise solution" to the central conundrum of accommodation for women in the federal correctional system. However, there has been a powerful consensus concerning the key problems and overall directions which need to be taken.

What is needed now, is to take the wisdom of the past and apply it to the knowledge and goals of the present. As we will see in the following chapters, voices of the past are echoed clearly in our current perspectives and hopes.

---

[43] Report of the National Planning Committee on the Female Offender, (Needham Report), Ottawa : Ministry of Solicitor General, 1978.

[44] Report of the National Advisory Committee on the Female Offender, (Clark Report), Ottawa, Public Affairs Division of the Canadian Penitentiary Service and the National Parol Service, 1977.

[45] National Planning Committee on the Female Offender: Report. Ottawa: Ministry of the Solicitor General, Canada, 1978. Note: The underlining is editorial. This compromise solution was a recommendation to close the Prison for Women, to establish at least two regional facilities (one in the east and one in the west) and to continue to make use of the Exchange of Services Agreements.

CHAPTER V

THE VOICE OF RESEARCH

INTRODUCTION:

The Purpose of Research Completed For the Task Force

The voices of the women and the voices of those who care were the authoritative sources for the Task Force. Consultations with women who are or have been federally sentenced, with community workers, with government officials, and with others who work for and with these women provided the primary expertise and wisdom for this report.

However, Task Force members also believed that their knowledge base should be as multidimensional as possible. Accordingly, to help amplify the voices, and to expand the breadth of the consultation process, five research projects were commissioned by the Task Force, in three cases through the Ministry Secretariat of the Solicitor General.

The Projects Commissioned for the Task Force

The first project, coordinated by Margaret Shaw,[46] involved individual interviews with federally sentenced women in prison and on parole or mandatory supervision in the community. The purpose of this project was to gather information from as many women as possible, on their experiences of imprisonment, parole and mandatory supervision, their needs for programs and services, and their views on where and under what conditions they would like to serve their sentences.

The study also provided the Task Force with a better understanding of the backgrounds of women who are currently serving federal sentences. Task Force members learned, through interviews conducted with 84% of all federally sentenced women in prison, and through fifty-seven interviews with women on parole or mandatory supervision, how many women have experienced sexual and/or physical abuse, the number of women with children, the women's education and employment histories, and a variety of other types of information which helped increase the sensitivity of Task Force members to the women's realities.

Subsequent to this project, a similar survey was conducted with federally sentenced Aboriginal women in the community.[47] This project was initiated when Aboriginal women on the Steering Committee to the Task Force voiced their concern that the Task Force had not adequately heard the views of Aboriginal women in the community.

---

[46] Shaw, Margaret, "Survey of Federally Sentenced Women" Interim Report, Solicitor General, Canada, Ottawa, Canada, December, 1989.

[47] Sugar, Fran and Fox, Lana, "Survey of Federally Sentenced Aboriginal Women in the Community", Ottawa, Canada, January, 1990.

This survey was a unique attempt to gather information about federally sentenced Aboriginal women which could only be understood within the context of being female, Aboriginal and imprisoned. Interviews with 39 Aboriginal women were conducted by Aboriginal women who had also been through the Canadian prison system. The researchers came to the women they interviewed as sisters, as people who shared a history with them. The researchers asked the women to whom they talked to tell their life stories, and made an effort to be as non-directive as possible, so that the stories would speak for themselves. Through this research, for the first time in a Canadian Task Force, the voices of Aboriginal women who have been federally sentenced can be heard.

The third report, completed by Margaret Shaw offers an historical overview of the imprisonment of women, particularly in Canada, although experiences in other countries are also discussed.[48] This study also provides a current account of the issues surrounding the imprisonment of women in Canada, as well as a comparison of responses to such issues in various countries.

The fourth study, by Lee Axon,[49] was commissioned to gain an up to date report and analysis of exemplary programs, services and opportunities, which are designed to address the special needs of women serving long sentences throughout the United States. Her report summarizes the findings of a literature survey, telephone interviews and on-site visits to a number of facilities in that country. This work provides a more current supplement to an international review of programs completed by Lee Axon in 1987.[50]

The third and fourth reports provide a broad context and thorough review of past and present efforts to improve responses to federally sentenced women within Canada. These studies also give insights into initiatives undertaken in other countries which address the challenges that faced this Task Force.

The fifth report commissioned by the Task Force[51] provided an inventory of institutional programs available to federally sentenced women, throughout provincial/territorial and federal institutions. The report includes information about the range and types of programs provided, as well as the distinctions and gaps in programming among various institutions. The data for this report was collected by Price Waterhouse as part of a "Survey of Provincial/Territorial Correctional Institutions for Adult Offenders" commissioned by the

---

[48] Shaw, Margaret, "The Federal Female Offender: Report on a Preliminary Study", Ottawa, Solicitor General, Canada, June, 1989.

[49] Axon, Lee, "Model and Exemplary Programs for Female Inmates: An International Review", Vol. 1, Ottawa, Canada, Correctional Service of Canada, September, 1989.

[50] Axon, Lee, Women in the Criminal Justice System: an International Survey, Ottawa, Canada, 1987

[51] The five research studies cited in this section are companion documents to the task force report.

Correctional Service of Canada for the Federal/Provincial Policy Review. Maureen Evans, a Working Group member, prepared the analysis for the Task Force Report.[52]

Other Research Used

In addition, the Task Force benefitted from other research reports produced before the Task Force began its work, and also from two projects which were completed or underway during the life of the Task Force. One study looked at self-injurious behaviour at the Kingston Prison for Women. In this study, 45 federally sentenced women at the prison, 41 members of the security staff, as well as staff from nearby health and treatment services were interviewed to learn more about the nature and causes of self-injury.[53]

Another study, on the mental health of federally sentenced women at the Prison for Women, was conducted by the Research Branch of the Correctional Service of Canada, as part of a nationwide study of the incidence of mental and behavioral disorders among federally sentenced offenders.[54]

The Research Perspective

Task Force members, in consultation with the researchers, made every attempt to ensure that the research approach took into account the interests and priorities of the Task Force. A strong emphasis was placed on women-centered research, and particularly on research which included interviews with federally sentenced women. The research was based on the conviction that to create realistic and meaningful solutions for federally sentenced women in Canada, Task Force members, policy makers, advocates and front line workers need a clear recognition of the unique features of the Canadian situation, an understanding of women's criminal histories, and good information about the women's experiences of imprisonment, their feelings, their concerns and their needs. Within this framework, the research, and particularly the survey of federally sentenced women in prison or on community release and the survey of Aboriginal women on community release, is considered by the Task Force members to provide additional expressions of the voices of the women, which help convey the views and experiences of the majority of federally sentenced women.

Findings of the research will be reflected and cited throughout the report. However, in this chapter, the major insights gained by the researchers will be captured, so that their voices will also be heard.

---

[52] Evans, Maureen, "A Survey of Institutional Programs Available to Federally Sentenced Women", prepared for the Task Force on Federally Sentenced Women, Ottawa, Canada, December, 1989

[53] Heney, Jan: "Report on Self-Injurious Behaviour in the Kingston Prison for Women", submitted to the Correctional Service of Canada, Ottawa, Canada, January, 1990.

[54] Correctional Service of Canada, Research Branch, "Mental Health Survey of Federally Sentenced Female Offenders at Prison for Women", Preliminary Report, Ottawa, Canada, November, 1989.

HIGHLIGHTS OF THE INTERVIEWS WITH THE WOMEN

Interviews with Women in Prison

One hundred and seventy women were interviewed, out of a total of two hundred and three women serving federal sentences in prison at the time of the study.[55] Thirty-nine of the women interviewed were Aboriginal, thirty-three were French-Canadian and sixty-eight were serving their sentences in provincial institutions. The women ranged in age from 19-75, many have lived with one or more common-law partners. Some have been married several times, some have never married or lived with common-law partners.

The information collected through these interviews presents a picture of a diverse group of women with a wide range of multifaceted needs. Data also shows that these women tend to come from disadvantaged backgrounds, and that federally sentenced Aboriginal women are more disadvantaged as a group than the general population of non-Aboriginal women serving federal sentences.

These interviews also show that many federally sentenced women have committed very serious crimes. Thirty-nine per cent of the population were serving sentences for murder or manslaughter, 27% for robbery and other more minor violent offenses and 33% for non-violent offenses at the time of the interviews.

At the same time, the data show that almost half of federally sentenced women are not repeat offenders. Forty-one per cent of the women are first offenders with no previous convictions, and 50% have never been in prison before.[56] Despite the fact that half had never been in prison before, more than 50% of the women were serving sentences over 5 years, 22% between 5 and 9 years, and 29% ten years or more, twenty per cent were serving life sentences.[57]

This brief introduction to the rich information gathered through these interviews points to the difficulty of "categorizing" federally sentenced women. For within their small numbers there is a broad range of personal histories, and experiences with the justice system. The seriousness of their crimes and the patterns of their criminal behaviour can only be constructively understood in the context of the multifaceted needs outlined in the following discussion.

---

[55] This figure of the total number of federally sentenced women in prison excludes federally sentenced women on day parole at community residential facilities, those on full parole or mandatory supervision and those unlawfully at large.

[56] p. 6, Shaw, Margaret, "Survey of Federally Sentenced Women", op cit.

[57] Information included in the paragraph was summarized from pages 3-6, Shaw, Margaret, "Survey of Federally Sentenced Women: Interim Report", op cit.

Control Over Their Physical and Mental Health

Women in prison feel they have lost control over their own bodies and the kinds of advice and medication which would normally be available to them. They express a strong need for better access to physical and mental health services, for the choice to seek second opinions, for the chance to select a doctor or alternate health practitioner. The women said too many medical staff treated them like offenders, not like patients. Thirty out of the thirty-eight Aboriginal women who spoke to this issue, said that Aboriginal health care and related staff were needed.[58] Federally sentenced women want greater emphasis on preventive health care, better nutrition and more opportunities for physical exercise. Only one third of all the women interviewed felt that health care in prison was adequate.

Jan Heney's study on self-injurious behaviour stressed the strong need for proactive mental health services. She found that 59% of the 44 women interviewed engage or have engaged in self-injurious behaviour, and that self-injurious behaviour is often a symptom of distress resulting from childhood sexual abuse. She emphasized that self-injurious behaviour is a mental health issue, not a security issue, and that psychological and health care services should be mobilized at the first sign of emotional distress.[59]

The findings of the Mental Health Survey commissioned by the Correctional Service of Canada also indicated that the types and incidence of mental health disorders are different for men and women and that a number of mental health problems experienced by federally sentenced women can be linked directly to past experiences of early and/or continued sexual abuse, physical abuse and sexual assault. The research underscores that there is an urgent need to provide appropriate mental health services oriented to the specific needs of federally sentenced women.[60]

Contact with Children and Families

For most women, contact with their children is of crucial importance to them *regardless* of the ages of their children. Two thirds of the women interviewed have children. About one half have at least one child sixteen years of age or younger, and about one quarter have at least one child under five.[61]

Those without children felt equally the need for greater contact with their families.

---

[58] Figure taken from findings reported on p. 19, Shaw, Margaret, "Survey of Federally Sentenced Women", Interim Report, op cit.

[59] Heney, Jan, op cit.

[60] Correctional Service of Canada, Research Branch, "Mental Health Survey of Federally Sentenced Female Offenders at Prison for Women", op cit.

[61] p. ll, Shaw, Margaret, "Survey of Federally Sentenced Women", op cit.

Women in the Prison for Women want visits with their families. Because the distances between the Prison for Women and many of the women's families are so great, women are often restricted to other means of contact. Women in the provinces, who have more frequent contact, want longer visits with their children, access to some free long-distance telephone calls, as well as financial and other types of assistance to facilitate visits with their children when they live a long way from the prison. Women who had lost custody of or even access to their children, often as a result of their imprisonment, also expressed the need for legal advice and advocacy to help them regain custody or access.

The importance of contact for the women and their children is punctuated by the finding that 69 of the 108 women with children who had been interviewed had been single parents for part or all of their children's lives. In some of these cases the woman may have been the only significant person in her children's lives.[62]

Counselling and Support Groups for Physical and Sexual Abuse Survivors

Physical and/or sexual abuse is part of the history of many federally sentenced women, and is particularly high among Aboriginal women. In the entire population, 80% of those women interviewed said they had been abused, 68% said they had been physically abused and 54% spoke of being sexually abused in some way during their lives, by parents, other relatives, foster parents or institutional staff and by boyfriends, husbands and common-law partners. A history of abuse was higher among women in Prison for Women than among women in provincial institutions. Eighty-two per cent of the women in Prison for Women had been either physically or sexually abused, and 72% of women in the provincial institutions.[63]

Among the Aboriginal women, abuse was even more prevalent. Ninety per cent of the Aboriginal women said they had been physically abused during their lives, usually regularly over long periods, compared to 61% of the non-Aboriginal women. Sixty-one per cent of Aboriginal women talked of being sexually abused, compared to 50% of the non-Aboriginal women.[64]

Approximately two thirds of the women who had experienced abuse, expressed a desire for individual counselling to deal with these experiences, but stressed that counselling should never be made a condition of parole. Women also noted that there are very few services for survivors of physical and/or sexual abuse available in the provincial prisons. The "Survey of Institutional Programs Available to Federally Sentenced Women" found that only two prisons provided programs for sexual abuse/incest survivors.[65] Aboriginal women want

---

[62] p. ll, Shaw, Margaret, "Survey of Federally Sentenced Women", op cit.

[63] p. 29-30, Shaw, Margaret, ibid.

[64] p. 31, ibid

[65] p. 8, Evans, Maureen, op cit.

Aboriginal programs and the involvement of Elders to help them become true survivors of abuse.

Effective Programs for Drug and Alcohol Abuse

The majority of women interviewed, (69%), said that substance abuse had played a major part in their offence or their offending history. Some talked of being under the influence of drugs and/or alcohol at the time of their offence, some spoke of offending to support a drug habit, and some women were in prison for trafficking or possession. Among the 39 Aboriginal women interviewed, involvement in substance abuse was even higher than the general population, and Aboriginal women tended to be heavily addicted over periods of 10 to 25 years.

While many of the women acknowledged that they had been involved in treatment programs for substance abuse (most institutions provide treatment programs), they felt that these programs did not reflect their experiences. Many of these programs were too basic or superficial to give them the kind of help they needed. The need for Aboriginal programs was clearly identified. Women also want longer group or residential programs to deal with substance abuse.

The availability of drugs in prisons and the high drug use mentioned by the women interviewed makes the need for these programs urgent.[66]

Reducing Language and Cultural Barriers

For those federally sentenced women who have little or no opportunity to express themselves through their own language and culture at the prison in which they are serving their sentence, communication barriers, frustration, loneliness and alienation are common experiences. Federally sentenced women come from many different cultures and language backgrounds. Almost one quarter of the federally sentenced women interviewed were of Aboriginal origin and almost another quarter were French speaking. About 40% of the French speaking women are incarcerated outside Quebec.[67] These women said they found it difficult discussing problems or mental health symptoms in English and wanted a French-speaking psychologist. Within Quebec, there are seven English-speaking women who also live with language barriers. In addition, there were ten women from outside Canada who were interviewed, including five whose mother tongue was not English and who experienced considerable communication difficulties as a result. "Women from other countries or from minority ethnic groups are often very isolated, having neither family nor friends to visit, nor language in common with those around them. A number of them said they would like to

---

[66] Information for this section taken from p. 25-26, Shaw, Margaret, op cit.

[67] Figures taken from p. 4, Shaw, Margaret, "Survey of Federally Sentenced Women", ibid

have visits from community or religious leaders from communities like their own in Canada."[68]

Virtually no federally sentenced women appear to experience difficulties communicating on a practical level, since only a small number speak neither French nor English. However, lack of opportunity to communicate in their language of origin with someone who shares their culture can increase anxiety and feelings of alienation and loneliness in the women. Aboriginal women said many times that they did not feel comfortable with non-Aboriginal people. They expressed the need to be able to communicate with people from their own culture and background in every area of their life in the prison.

Meaningful Work and Training

Training and educational programs are of major importance to most women. Two-thirds of women either hadn't completed high school or did not have any training or educational qualifications beyond high school. Aboriginal women are at an even greater disadvantage. Some had never attended school and a number had dropped out in grade school.[69] Many women said they wanted access to post-secondary school and university courses. Very few women (usually older women and those at the end of their sentence), said they did not want to take any work-related courses. For the rest, there was a very clear demand for: marketable training skills such as office skills, word processing and laboratory technician skills; advanced skills in areas such as computing, printing, photography, carpentry; and skilled trades such as industrial sewing, heavy machinery operation, and kitchen trades. In addition, almost a third of the women wanted to study social work, sociology, child development, native court work, addictions and/or counselling, to enable them to work with ex-offenders, with troubled young or Aboriginal people, substance abusers, elderly people or children. The women stressed that they want truly marketable skills with identifiable qualifications and certificates.

Most said they had worked in low paying, unskilled jobs in shops and offices, bars and restaurants, as nurses aides, child-care workers or at unskilled manual work. Fifteen per cent had never had a legal paying job.[70] These women want to leave prison better prepared for the job market, and they want to have the qualifications necessary for economic self-sufficiency in the community on release. Those women at the Prison for Women felt that the courses currently available to them are very limited and out of date, with the exception of those taken in the men's prisons. For women in the provinces, very little is available beyond basic education skills training.

---

[68] p. 17, Shaw, Margaret, ibid.

[69] p. 34, Shaw, Margaret, ibid

[70] p. 34, Shaw, Margaret, ibid.

The "Survey of Institutional Programs Available to Federally Sentenced Women" found that only seven institutions offered any vocational training and four of those offered only one program. Just five institutions had occupational development, and a number of these were concerned with the housekeeping needs of the institution.[71]

Aboriginal Programs

Although there are some Aboriginal spirituality and cultural programs in Prison for Women, Aboriginal women want these programs to be more widely available. They also want greater access to Elders and more Aboriginal programs for substance abuse, as well as for physical and sexual abuse. Some provincial prisons do have occasional visits from Elders, and the Prison for Women has introduced some Aboriginal programs. Nonetheless, many Aboriginal women feel uncomfortable dealing with non-Aboriginal people who do not understand their culture and experiences, particularly in programs dealing with physical or sexual abuse and substance abuse. Aboriginal women would like to have the choice to interact with Aboriginal people in every facet of their life under federal sentence.

Freedom from Racism

The importance of Aboriginal programs which reflect the cultures, spirituality and experiences of federally sentenced women, can only be understood in the context of their need for freedom from racism.

The Aboriginal federally sentenced women in particular have suffered from the erosion of their culture, from their separation from families imposed by White Canadians. Many were taken from their homes and families at an early age and put in foster homes or residential homes. Many left these homes at 14 or 15 years of age and lived on the streets.

They have not found the criminal justice system sympathetic to their suffering and needs. Women reported being insulted, being offered no support and being unfairly characterized by lawyers and judges.

In prison, a number felt they were the target of racism and discrimination and some reported that there were very few staff who had any real understanding or acceptance of their cultural backgrounds and practices.

Aboriginal women look to culturally appropriate programs to gain the self-esteem and empowerment which will allow them to deal with and heal from their experiences with racism.

---

[71] p. 8, Evans, Maureen, op cit.

Federally sentenced women from other minority groups have no doubt also suffered the effects of racism. However, such information was not collected in the research studies commissioned by the Task Force.

Other Programs Needed

The most widely requested programs in addition to those mentioned above were work-release and pre-release programs, legal advice and assistance, programs on money and budgeting, programs for those serving long-term sentences, and programs concerning children. Programming needs are particularly high for women in provincial prisons where few programs are available.

The Needs of Women Serving Long-Term Sentences

Long term sentences are a reality for over one third of federally sentenced women interviewed. Thirty-seven per cent of the women interviewed are serving sentences over ten years. Twenty per cent of the women, or 37 federally sentenced women, are serving life sentences, 8 of them with a minimum of twenty-five years before parole eligibility.[72] Apart from specific programs dealing with the difficulties of coping with long sentences, the women stated that long term prisoners do not have very different types of needs from women serving shorter sentences. All women want better work and recreation, better health care, more frequent and personal contact with their families and more support to deal with abuse. Long term prisoners share these needs but feel the need for such programs more keenly.

The Needs of Women Serving Their Sentences in Provincial Prisons

At the time the research was completed, of the 203 women serving federal sentences in prison, 78 were in the provinces under Exchange of Service agreements.[73]

Women in the provinces have, on the whole, much better access to their families and children. They do not report as many major problems in terms of their relationships with staff and other women in the prison, as do those women serving their sentence at Prison for Women. However, women in the provinces have little information on their rights, little knowledge of programs that might be available to them, and generally very limited program choices.

---

[72] p. 5, Shaw Margaret, "Survey of Federally Sentenced Women", op cit.

[73] p. 4, Shaw, Margaret, "Survey of Federally Sentenced Women", Interim Report, op cit.

THE MAJOR LIMITATIONS ON THE WORK OF TASK FORCE 74

CHAPTER IX
ISSUES AND DILEMMAS 77

INTRODUCTION 77
Factors Which Have Impeded Creative Change 77
The Central Conundrum 78

ACCOMMODATION OPTIONS 79
From Institutions to Home-Like Accommodation 79

OPERATIONAL ENVIRONMENT 85
From Programs to Resources 85
From Staffing for Security to Staffing for Support 87
From Risk Management to Individual Planning 89
From Advisory to Action 94

PRE-RELEASE AND COMMUNITY OPTIONS 96

UNIQUE REALITIES 98
From After-thought to Alternatives 98
From Life to Living 100
From Separation to Connection 101

CONCLUSION 102

SECTION C - USING THE WISDOM TO BUILD THE FUTURE

CHAPTER X
PRINCIPLES FOR CHANGE 104

INTRODUCTION 104
The Foundation of these Principles 104
Toward a Longer-Term Goal 104
Immediate Action is Also Needed 105

PRINCIPLE #1: EMPOWERMENT 105

PRINCIPLE #2: MEANINGFUL AND RESPONSIBLE CHOICES 107

PRINCIPLE #3: RESPECT AND DIGNITY 109

PRINCIPLE #4: SUPPORTIVE ENVIRONMENT 110

Preferred Environment

When the women were asked to choose from a range of accommodation options, only 19 out of 170 said they preferred to remain at the Prison for Women. By far the most common choice was a small community residence for women close to their home, although a fairly large proportion of the women chose a regional prison as their preferred option.

This preference reflects the fact that, of the total population of 287 federally sentenced women on register (i.e. in prison, on day parole or unlawfully at large), only a small number are serving their sentences close to their home communities. While 5.8% of the federally sentenced women are from the Maritime provinces, none are serving their sentences in the Atlantic region. Twenty-three per cent of the women come from Quebec, but only 17.8% are in prisons in that province. Despite the fact that 21.8% of the women are from the prairies, only 12.5% are in prisons on the prairies, and while 16.7% of the women are from British Columbia, only 12.5% are in institutions in B.C. Conversely, only 22.9% of federally sentenced women are from Ontario, even though well over half of the total population of federally sentenced women are in the Prison for Women. Even for the women from Ontario serving their time in Kingston, their home communities may be a significant distance from the prison, given the size of Ontario.[74]

About half the women would like the choice to serve their time in a co-correctional environment so that they would be in a more normal atmosphere and with access to more programs. These individuals usually qualified their interest by expressing a desire for separate living areas. However, others felt equally strongly that a co-correctional facility would not be appropriate particularly for women who had suffered abuse by men. Evidence from the survey of institutional programs,[75] suggests that women in women-only institutions appear to have access to more programs than do women in co-correctional facilities.

When the women were asked what the most important factors were for them in terms of their environment, most responded that being as near home as possible was the most crucial condition for them, with access to programs being second in priority.

Underlying all these views and comments, the women spoke of their desire to be treated with dignity and respect. They also spoke of their need for support, not security, and their need to have choices in their lives. Many women wanted the choice to take or not to take programming, particularly in relation to addiction and mental health care, and to have some control over their involvement within programs.

---

[74] Calculated from Management Information Services, Correctional Services of Canada, "Female Population Profile Report", June 30, 1989, Ottawa, Canada.

[75] p. 7, Evans, Maureen, op. cit

Interviews with non-Aboriginal, Federally Sentenced Women in the Community

In this component of the study, fifty-seven non-Aboriginal, federally sentenced women in the community were interviewed. Almost half of these women were on day parole and almost another half were on full parole. Only a few women on mandatory supervision were interviewed. Overall, since the expressed needs of federally sentenced women on day parole did not differ from the expressed needs of women on full parole or on mandatory supervision, no distinction among these sub-groups will be made in the summary that follows. It is important to note that the data from this part of the survey has not yet been fully analyzed. Therefore, the summary that follows reflects only preliminary results and impressions of the researchers.

Planning for Release

Most women felt they needed far more help with release planning than they currently receive. The women said that many Case Management Officers offered little help in their preparations for release. The women see these officers as their life-line to the outside, but feel they have to harass them to get information about half-way houses or services outside. Paper work is often slow. Women also told the researchers that, apart from their own efforts, most help tended to come from Elizabeth Fry workers, parole officers and occasionally from lawyers.

Getting Parole

For women in the community from provincial prisons, there was considerable confusion over the benefits of waiving federal parole rights in favour of provincial parole. A number of women had chosen to go to the Prison for Women to obtain an earlier release. Some experienced difficulties getting parole from a provincial board when their offence had been given a high public profile. Women with long addiction or offending histories said they had particular difficulties getting parole over the years, and had needed far more support in release planning.

Making Ends Meet

Lack of money to pay basic living expenses is a major problem for those women who do not find a reasonably paying job at the start of their parole, or who have no real work history. Women living in half-way houses who have not yet found work, may find they are not eligible to receive welfare benefits such as clothing vouchers, because they are still under sentence and are having their basic living needs met by a government agency. Others, fulfilling parole conditions involving costly drug maintenance programs, find it hard to meet those costs on top of accommodation and daily living expenses. Those without a job may find they are unable to put down a deposit on an apartment in preparation for release on full parole.

Half-Way Houses

The length of time spent in half-way accommodation varies across the provinces. In some instances, women are released to a half-way house at one-sixth of their sentence, and can expect to stay until their full parole date. In other instances, women will be released to a half-way house within a short time of their full-parole date. In the former cases, because it is the policy of the National Parole Board not to grant day parole without a residency requirement prior to parole eligibility dates, this can mean up to a year spent in the half-way house "doing time", regardless of how well their alternative plans may have been formulated. One or two women interviewed have spent considerably longer in half-way houses.

Given the length of time many federally sentenced women spend in half-way houses and/or community homes, it is significant that, not only are there not enough half-way houses in Canada, but in addition, where they do exist, women report considerable problems with the conditions imposed on the residents.

In locations where half-way houses do not exist, many of the women have stayed in local community houses with a mix of residents. These community houses are unsatisfactory for many women who find the staff unaccustomed to dealing with women from prison, at times too "middle class", and without the knowledge and time to give them the kind of support or help they feel they need. When there are only one or two beds allocated to women offenders in a men's hostel, women feel uncomfortable. Other community houses provide only bed and board with no counselling or support services. In some of these houses, women said that the staff "police" bedrooms at night, shining a light in every hour. To avoid the problems which affect so many community houses, some women from provinces without half-way houses stay at half-way houses in Ontario. But the majority of these women would much prefer to be in their own provinces.

The location of half-way houses was criticized by a number of women. Half-way houses are often situated in cities which offer too many street temptations. Women said this made it difficult for some women to avoid getting into trouble again.

Although one or two half-way houses received much praise from the women, the disparity between having to be responsible citizens during the day and having to obey house rules like children at night, is difficult for women to cope with. Women who have a home or apartment of their own find the condition of residence at these houses pointless. A number of these women spend their days in their own home, and return to the half-way or community house every evening.

Women also reported that some houses have a lot of petty rules for which women can be grounded or punished; some inspect bank accounts, check breath to see if the women have been drinking, vet prospective boy or girl friends, and generally closely watch the women's movements and behaviour. Some have restrictions on the age of children allowed

to visit. Despite the unrealistic and often demeaning nature of these rules, women must live with the threat that if they do not live up to these conditions, they can be returned to prison.

The extent of the problems women experience with half-way houses and community houses can perhaps best be summarized by the fact that some women with bad experiences of half-way houses preferred to stay in prison until their full parole date.

Long-Term Housing

The lack of low-income housing is especially acute in some areas, and some women stressed the need for co-op housing projects for ex-offenders who do not already have a home. A number of women moving out of half-way houses or released on full parole or mandatory supervision said this would be of great help. In particular, such housing would assist women, who, for reasons of age, addiction or past offending history, find it impossible to get a job. One woman had moved five times in the six months since her release on mandatory supervision.

Getting a Job

In general, women who had good, well-paying jobs prior to their imprisonment, have found successful employment on release. But women without good job experience and/or who have been living on the street, find it more difficult to cope on release. Jobs offered often tend to be poorly paid. Some women refuse to take these jobs if they have been used to better jobs.

There are also many women who are not employable in terms of the job market and for whom specific job training is particularly important. Sometimes, as part of their release plans, unpaid volunteer work is found for these women, but this course of action does not provide a solution to their financial problems. None of the women interviewed had any job training on release from prison, although some were working on apprenticeships. Some have experienced discrimination from employers who often fire them on discovering they have a record. In more than one case, this information was disclosed to the woman's employer by a parole officer.

Parole Conditions

Women feel that some parole conditions are unnecessarily restrictive. Those women who have been on full parole for some time feel they should be able to phone in to their parole office or to the police rather than having to report in person on a regular basis. Some women felt their conditions of attendance for addiction problems or other counselling was unnecessary because they no longer had problems. And as outlined above, many women on day parole who have homes of their own would prefer to live there rather than in a half-way house.

Those women with addiction problems find themselves doubly handicapped. On the whole they have not found in-prison programs for addiction intense enough. They are often denied day parole because of their addiction, and are given no help finding accommodation or a job in preparation for full parole. Without accommodation already waiting for them, they are denied full parole. Some women have spent years revolving from release on mandatory supervision back into prison and out on mandatory supervision again. Similarly, those with long term addictions find it difficult to find a job which pays enough to support their daily living costs. In addition, for those women who want to overcome their addictions, parole conditions which stipulate that they attend methadone maintenance programs work at cross purposes to their goals.

Supervision

The importance of having a good, positive relationship with parole officers was very clear. Some women said they did not get on well with their officers, that they did not trust them and that their officers did not help in the ways they needed. In cases where they had found an officer with whom they got on well, they got tremendous support and encouragement. Much of this seems to relate to the "mix" of personalities, as well as the approaches which both sides take. The support of good Alcoholics Anonymous or Narcotics Anonymous counsellors, and the support of good psychiatrists was also considered important by the women in raising the quality of supervision relationships.

Support not Control

Most women said very strongly that they want support, not control.

Women feel the control exercised by half-way houses, by parole officers and by parole boards is often unrelated to "where the women are at". They feel the level of control exercised relates to the time milestones of their release, not to their needs or circumstances. Some women had wanted time "on their own" at the start of day parole or full parole, but felt pressured into getting jobs, or attending school. When women had been allowed to work things out at their own pace, they valued this experience highly.

Overall Findings of These Interviews

Through these interviews, the women's expressed needs for respect, for support and for the chance to take responsibility for their lives were paramount. A strong need for community residences which were sensitive to the particular needs of women and which protected the women's dignity and need to live near or in their home communities was also highlighted.

Interviews with Aboriginal Federally Sentenced Women in the Community

This survey report was prepared by two Aboriginal women who have been through the Canadian prison system. They gathered information for the study through interviews with 39 federally sentenced Aboriginal women in the community.

The women spoke of violence, of racism, and of the meaning of being female, Aboriginal and imprisoned. They spoke of systematic violence throughout their lives by those they lived with, those they depended on and those they loved and trusted. Twenty-seven of the 39 women interviewed described experiences of childhood violence, rape, regular sexual abuse, the witnessing of a murder, watching their mothers repeatedly beaten, and beatings in juvenile detention centres at the hands of staff and other children.

For many of the women, this childhood violence became an ongoing feature of life, and continued through adolescence into adulthood. Twenty-one had been raped or sexually assaulted either as children or as adults. Twenty-seven of the 39 women had experienced violence during adolescence. However, to these experiences were added the violence of tricks, rape and assaults on the streets. In addition, 34 of 39 had been the victims of violence, some at the hands of abusive spouses (25) , some from tricks who had beaten and/or raped them (12 of 39 had shared this experience and 9 had been violent toward tricks), some from police or prison guards. The violence experienced by these women is typically at the hands of men.[76]

The women also spoke of living with racism. Racism and oppression are the preconditions of the violence these women experience throughout their lives.

These experiences of violence have also left Aboriginal women with the burden of memories, which they try to obliterate with self-destructive behaviour. Suicide attempts are common. Thirty-one of the 39 had abused alcohol, 10 of these women considered their abuse serious. Twenty-seven considered themselves severely addicted to narcotics, and many were addicted to prescription drugs. Twenty-three tell of addiction in institutions to prescription drugs provided by institutional psychiatrists or physicians. Ten of the 39 described slashing themselves, not as a suicide attempt, but in an effort to bring relief from the tension and anger inside them.[77]

The women also spoke of living with racism. They spoke of overt experiences of racism... being called "dirty Indians" in school, in foster homes, and by police or guards. They described being treated differently and knowing that this was no accident.

---

[76] Statistics quoted in this paragraph and the preceding one come from pages 6 and 7, Sugar and Fox, op cit.

[77] p. 9, Sugar and Fox, ibid.

Most of the women interviewed have histories that had lead them to mistrust White authority. Twenty of the 39 described negative relationships with police. Many of these descriptions portray this distrust as "inherent", a consequence of the role the police play in the lives of Aboriginal people. Other White authority figures are commonly the source of negative experiences and are seen as abusive, racist or non-supportive. Of 14 women with experiences in foster homes, 12 described negative relationships with foster parents and only two had positive relationships. Thirty-two of the 39 women reported experiencing racism at some time in their lives. Twenty-three had felt discriminated against in school, 15 in halfway houses, 6 in detox centres. These experiences extend to those who are supposed to provide helping services: case officers (13 reported this relationship as negative), parole officers (20), and social workers (9). Relationships with prison guards are also reported in extremely negative terms: physical beatings, rape, sexual harassment, and verbal intimidation.[78]

Beyond this overt racism, the women also spoke of living lives where they were systematically oppressed and pushed aside by White people. They spoke of learning that the rules imposed by an authority they did not respect, exist to be broken. Faced with institutional neglect and overt racism, their feelings about White authority, even before they encountered the criminal justice system, mixed passive distrust and active hatred.

In many cases, attitudes to White authority formed an important background to the way in which the women received federal sentences. There are several reports in the interviews by women who had neither believed that the court system would treat them justly, nor trusted the lawyer who was supposed to act on their behalf. Since they felt powerless and had no trust in or understanding of the process, some acquiesced. They accepted an unfavourable plea bargain, or remained silent, refusing to offer evidence that either exonerated them or implicated others in the more serious features of the crimes with which they had been charged. They endured being sent to prison in the same silence with which they had greeted past victimization.

For Aboriginal women, prison is an extension of life on the outside, and because of this they find it impossible to heal in prison. They asserted that for them, prison rules have the same illegitimacy as the oppressive rules under which they grew up. In ways that are different from the world outside, but are nevertheless continuous with it, prisons offer more White authority that is sexist, racist and violent. Those few "helping" services in prison that are intended to heal are delivered in ways that are culturally inappropriate to them as women and as Aboriginal people. Physicians, psychiatrists and psychologists are typically White and male. They therefore symbolize the worst experiences of the Aboriginal women. As a result, Aboriginal women express anger at these caregivers, refuse to become involved, and then are further punished because they fail to seek treatment.

---

[78] p. ll, Sugar & Fox, ibid.

The women spoke of the loss of links to the outside world which could help them heal. The women told of being located far from their families who could not afford to visit them. Twenty-six of the women in the study are mothers, and all of them reported negative impacts on their relationships with their children. Such an impact is not surprising, but it is made worse by distance, the impossibility of seeing their children, and by the orientations of prison officials who are widely seen as insensitive to mother-child relationships. Their children were placed in foster care, juvenile detention centres, or were moved between family members. Twenty-five of the twenty-six women who are mothers had difficulty being mothers on resuming their relationships with their children after release, and only 17 were reunited with their children.[79]

Almost all the healing experiences that the Aboriginal women who have been in prison reported, lie outside the conventional prison order. They come through the bonds formed with other women in prison, through the support of people on the outside, and from the activities of Native Sisterhood. There are occasional reports of positive relationships with caseworkers, but these stand out as exceptions to the prevailing pattern. The refusal of Aboriginal women to trust the "helping" services of prison becomes one more strike against them. Many of those interviewed share the experience of being seen as uncooperative. They were kept at high security classifications and denied passes. Aboriginal women spoke of having their parole applications turned down because they refused treatment or were uncooperative.

The women believe that they have the understanding to help themselves. Despite the pain and violence of their past and present, they express hope, that with the right kind of resources, support and help they can create the programs they need.

HIGHLIGHTS OF THE OTHER RESEARCH STUDIES

Time of Change

Many people believe that we are currently in a period of creative change in the ways policy makers and service providers see the justice system and its interaction with federally sentenced women. However, the researchers observed that to date, political will and action have rarely reflected this shift. So, for example, Lee Axon suggests that:

"Overall, program development in female correctional institutions appears to be in a period of innovative flux. It has been observed that some of the innovations in female corrections will benefit male inmates as well, if they are reproduced. There appears to be no shortage of ideas...merely the limitations of funding and political will."[80]

---

[79] p. 16, Sugar & Fox, ibid.

[80] Axon, Lee, "Model and Exemplary Programs for Female Inmates: An International Review", Vol. I, September 1989, Ottawa, Correctional Service of Canada

Lee Axon and Margaret Shaw, who prepared the historical and comparative studies, identified a number of changes emerging over the past few years in the approaches taken to sentenced women in other western countries and to some extent in Canada.

A Recognition of the Need for More Holistic Approaches

"One of the most significant aspects of present-day female correctional programs is their grounding in a holistic approach. Female offenders ....need to be addressed from the point of view of assisting the whole person."[81] Much of the impetus for the emerging emphasis on holistic approaches came from Aboriginal women and men. Aboriginal philosophies are holistic. The Aboriginal way of life is holistic. And programs initiated by Aboriginal people incorporate holistic principles.

A Change in Focus Toward Shared Responsibility

"While in the past, rehabilitation has been seen as a kind of 'doing to' offenders, what appears to be happening at the present time is an orientation which emphasizes the inmate's responsibility for her own rehabilitation. The institution does not rehabilitate the offender, the woman makes choices to create a more responsible, self-sufficient future (and thereby)* rehabilitates herself. Seen in this way, the responsibility of the institution is to offer and expose the inmate to those programs which will assist her in this process."[82]

A Concern with Women's Dependency

"Throughout all of the (innovative)* programs in female corrections, is an overriding concern with dependency...an issue about which there is still relatively little knowledge, but which appears to affect so much of female offenders' lives."[83] This concern includes, but goes beyond a focus on alcohol or drug dependency to include dependency on other people and on institutions and the low self esteem that often accompanies dependency. Dependency is a particularly relevant issue for Aboriginal women who have been historically streamed into dependence on non-Aboriginal institutions. Research indicates that culturally relevant programs are essential to help Aboriginal women work through their dependency since the sources of the problem and the cultural meaning of responses to the problem are often very different for these women compared to non-Aboriginal women under federal sentence.

---

* Words in brackets followed by an * are editorial inserts for clarification only

---

[81] p.i, Axon, Lee, ibid.

[82] p.5, Axon, Lee, ibid.

[83] p.88, Axon, Lee, ibid.

A Loss of Faith in Imprisonment

The widespread use of imprisonment "has been severely challenged by a loss of faith in its ability to rehabilitate offenders. It has also been challenged by observations of the grave disadvantages it creates for (women)..... given that they would appear to have fewer resources at their disposal than many men and present fewer risks to society".[84] The loss of faith has led to a conviction that we must have more options and choices in the ways we deal with harm done to people through criminal acts and through society's current response to these acts.

"It is apparent that in a number of jurisdictions, solutions to the increasing imprisonment of women are being sought, not in expanded prison facilities, but in trying to stem the flow of women into the criminal justice system and through the provision of a range of alternatives in the community which take account of the many problems which women offenders face."[85]

A Growing Concern with the Implications of Imprisonment for Women and Their Children

Since 1985, in Canada, four studies have been commissioned by the government which have all "considered aspects of the problem including the impact of separation on both women and their families, the likely long term consequences, programs for contact and care, parenting skills and institutional nurseries, as well as the social costs of incarcerating mothers."[86] Noteworthy is the extensive research being completed by Karen Lee Cannings for the Ministry of the Solicitor General. The issues have been studied and continue to receive attention, however this concern has not been translated into action.

A Trend to see Women's Imprisonment Within their Situation in Society as a Whole

Those adhering to this vision, constantly question "the applicability of the traditional correctional approach which has been developed on the basis of the imprisonment of men", ...and which "fails to consider the need to use incarceration in the first place, or the destructive effects which imprisonment has on people whose tenuous ability to survive in the community is to a large extent the cause of their incarceration".[87]

---

[84] p.83, Shaw, Margaret, "The Federal Female Offender: Report on a Preliminary Study", Ottawa: Solicitor General, Canada, June, 1989.

[85] p.4, Shaw, Margaret, op cit.

[86] p.23, Shaw, op cit.

[87] p.68, Shaw, op cit.

Program Directions Which Work

While the researchers were careful not to assume that programs which appear to be successful in other countries will work in Canada, or that programs from one jurisdiction in Canada can be transported to another, they did identify some programming and policy directions which may help overcome some of the problems listed above.

Building *self-awareness* and *self-esteem* through programs which help women deal with other needs was seen by the researchers as essential to help women become responsible citizens. Lee Axon cites numerous programs in the U.S. (including programs to address substance abuse, vocational training, physical or sexual abuse), which include components that help women to get to know themselves, to gain self-awareness and to build self-confidence.

Providing *a continuum of support* including follow-up programs once the woman is released was also identified as important.

Similarly, doing everything possible to increase *community support* and the woman's *integration in the community* was a planning component given high priority in the successful programs researched. Program initiatives reviewed which incorporate this principle include a wide range of options such as: vocational training which prepares a woman for self-sufficiency in the community, the use of community-based services to address the needs of federally sentenced women instead of in-house, institutional services, and the broader use of community alternatives in sentencing.

The researchers also emphasized the need for *inter-agency coordination* to bolster real community support. One initiative highlighted in the research was the creation of a Community Advisory Council in Michigan, which is mandated to: assist in the development and staffing of institutional programs provided by community agencies and social service departments; and to provide after-care linkages and networks for released inmates.[88] The consultations undertaken by the Task Force gave strong support to the importance of programs and services working together to create a healthy environment which promotes healing and personal growth.

The importance of treating women with *respect and dignity* was also identified as a crucial principle on which programming should be based.

---

[88] p.11, Axon, Lee, op cit.

And finally the *demonstration of political will* was seen as a central factor in program success. "Those jurisdictions in which improvement has been most noticeable have had the political and financial support of legislatures and have also created a senior management position within their departments of corrections responsible for coordinating and overseeing female corrections."[60]

CONCLUSION

The insights of the researchers reflect the voices of the women, the voices of those who care and the voices of the past. The importance of choice, dignity, responsibility, community involvement, courage and innovation are reiterated throughout the many voices.

The different voices stress the importance of generating the political and administrative will, and the courage to build on the growing consensus that change is needed, and to build on the increasing body of knowledge of how to effect change in a way that will help create meaningful choices for federally sentenced women.

And perhaps most importantly, the combined voices all remind us that creating choices is a human endeavour, and an endeavour in which we must never forget to respect the dignity, the rights, the needs and the hopes of the women.

---

[60] p.88, Axon, Lee, op cit.

SECTION B

ADAPTING THE WISDOM TO PRESENT REALITIES

CHAPTER VI

UNDERSTANDING THE PROBLEM

THE SCOPE OF THE PROBLEM

Despite the consistency in the findings and recommendations of task forces and commissions in Canada concerned with federally sentenced women, the needs of women serving federal sentences are not adequately or appropriately met, and their experiences of imprisonment are not well understood.

Historically, the problem addressed by task forces and commissions has been narrowly articulated as the problem of federally sentenced women in corrections. Within this focus, the problem has traditionally been defined even more narrowly as the problem of managing federally sentenced women at the Prison for Women.

However, as a review of dilemmas within this approach demonstrates, this narrow definition of the problem ignores the social context of women's reality. Women in Canada, and in other western nations, live with inequalities flowing from traditions and values which emphasize their dependency on men and institutions. As well, the discrimination within discrimination experienced by Aboriginal women in this social reality is also ignored in the past understanding of the problem.

This narrow definition of the problem also mitigates against a holistic understanding of women's experiences and needs ...an understanding which encompasses physical, emotional, psychological, spiritual and material needs, as well as the need for relationships and connectedness to family and others. If needs are not understood in the context of past, present and future life experiences, if a woman is not seen and treated as a "total person", programs and policies designed for federally sentenced women will continue to be inadequate and dehumanizing.

The scope of this Task Force, like earlier task forces, is limited to the situation of federally sentenced women, that is, women serving sentences of two years or more. However, members of this Task Force concluded that while the narrow problem must be clearly defined, it is vital to understand the broader problem and the history of this problem, if we are to effect fundamental change.

PERENNIAL DILEMMAS

Since the first major review of the situation of federally sentenced women in 1938 by *The Archambault Commission*,[90] task force members, policy makers, advocates, researchers and

---

[90] Report of the Royal Commission to Investigate the Penal System of Canada, Ottawa, Canada, April 1938

front-line workers have grappled with a number of interrelated dilemmas. How can we reduce geographic dislocation, inferior conditions and limited programming for a small and diverse population composed of even smaller subgroups, whether distinguished by sentence length, type of offence, home community, race or language?

These perennial dilemmas are currently complicated by two factors. First, the facilities housing federally sentenced women are mostly outdated and antiquated. And secondly, federally sentenced women are experiencing significant inequities in service delivery as a result of the ad hoc growth in transfers to provincial facilities for women under the Exchange of Services Agreements.

In fact, when initiatives were implemented to improve conditions and programs for women at the Prison For Women, complementary action was not taken on behalf of women transferred to their home provinces. With the exception of federally sentenced women from Quebec (most of whom have served their sentences in Quebec following the ratification of a female offender agreement with Quebec in 1982), federally sentenced women under transfer were (and are) so few in any given provincial jurisdiction that the Correctional Service of Canada has acted as if they were invisible.

The inadequacy of the facilities and programming inside the prisons has also been carried over into the community, in terms of both level of services available nationally and effective planning for release. In addition, the failure to collect objective data on federally sentenced women under supervision in the community, particularly those women released from provincial facilities, can be said to indicate a lack of understanding by the Correctional Service of Canada of its overall responsibility for federally sentenced women, regardless of location. Nonexistent, not objective or non-segregated data also makes planning for change to address inadequate facilities and inequitable programming even more difficult.

A CLOSER LOOK AT THESE DILEMMAS

Through the consultation process, Task Force members took a closer look at the various elements of the need for the Correctional Service of Canada to fulfill its responsibility to federally sentenced women in the Prison for Women and in the provinces and territories. The sections that follow reflect the clarification of the problem which emerged from this process.

Accommodation

The Prison For Women was completed in 1934. A multi-level facility, it was constructed on the same design as maximum security facilities for men. Although capital improvements have been made to the Prison,(including two programming facilities, the Activities Building in 1982 and the Private Family Visiting Unit in 1983), the problems associated with the original maximum security design remain.

Numerous studies and reports have concluded that, because of the inflexibility of the design, the majority of women are confined in higher security than they require. The addition, in 1981, of a solid, high perimeter wall at a cost of approximately two million dollars underscores the fortress aspect of the prison. The physical separation from the community imposed by the wall creates a corresponding psychological separation - the women in the Prison are not only separated from, but invisible to, the community.

Inside, the prison environment is noisy, inadequately ventilated, and has insufficient or inappropriate space for community interaction and program delivery. The limited capital improvements in the living environment cited above makes clear that the conclusion of the *Parliamentary Sub-Committee on the Penitentary System in Canada*[91] can still be supported. Namely, "that the Prison for Women is unfit for bears, much less women".

The needs of Aboriginal women, particularly with respect to dedicated space for ceremonies, ongoing contact with Elders and access to the outdoors, cannot be responded to effectively, both because of the physical limitations of the Prison and its distance from the Aboriginal communities to which these women belong.

Geographic Dislocation

Of the one hundred and thirty women currently at the prison, only sixty are from communities in Ontario. The other women are from communities scattered across the country. These women are in Kingston either because they are not eligible, (due to sentence length, offence type or personality conflict) to remain in their home province under an Exchange of Service Agreement or because they chose the Prison For Women for its broader program profile. These issues of eligibility and choice between location or programming have been present since the Exchange of Service Agreements were first negotiated in 1973. To be compelled to make a choice of this nature, is essentially to be given no choice.

Limited Programs, Particularly for Long-term Offenders

The 1973 agreements were negotiated to give effect to enabling legislation which provides that an offender transferred to another Canadian jurisdiction is subject to all the statutes, regulations and rules applicable in the receiving jurisdiction. In other words, a federal inmate transferred to a provincial jurisdiction becomes a "provincial prisoner".

Thus, the 1973 agreements implicitly accepted provincial standards and levels of service. Transfers in the early years were voluntary, few in number, and generally used for federal inmates serving short sentences or for placement closer to home in the period immediately preceding release. Accordingly, in the early phases of implementation of these agreements,

---

[91] p. 135, Parliamentary Sub-Committee Report on the Penitentiary System in Canada, Ottawa, Canada, 1977.

the fact that programs and services in provincial facilities were oriented to short-term offenders was not perceived as a problem. This insensitivity to the needs of longer-term offenders severely penalized federally sentenced women for whom such transfers represented (and still represent) the only alternative to the Prison for Women.

As the level of transfers of federally sentenced women increased during the late seventies, the inequities for women associated with this choice became more evident. The agreements had been built on the assumption that all transferred federal offenders, both male and female, would fit into the provincial structure. As a consequence, the associated federal payments reflected the cost of the provincial operation only. Thus, there was no inherent flexibility in these agreements to reflect the needs of women serving longer sentences.

The agreements also provide for transfer to the federal system of prisoners sentenced to provincial terms (i.e. less than two years). The appropriateness of this mechanism for provincial women has not been addressed, given that provincial women can only be transferred to the Prison for Women, while provincially sentenced men would have a number of transfer choices.

A disproportionate number of these provincially sentenced women have been Aboriginal women. The transfers have often resulted in their dislocation, not only from their home communities but also from their cultures.

In the Provinces, an Increased Emphasis on Security, Not Programming

The first agreement dedicated to federally sentenced women was executed with the Province of Quebec in 1982 (Tanguay Agreement). Although this agreement ensured provincial custody for all federally sentenced Québécoises, it continued to reflect the original assumption regarding the suitability of the provincial operation. While the Tanguay Agreement did not address program needs, it did address security concerns. A capital contribution of approximately one million dollars was made for renovations required to make the facility more secure.

The program inequities were not considered when the 1973 Agreements were revised during 1984-86. The question of negotiating separate agreements in all provinces for federally sentenced women and men was not even raised during this exercise. Perhaps because the number of women under transfer at any given time remained low, a separate agreement may not have been considered worthwhile.

The Result: Greater Programming Inequities

During the same period that the level of transfers of federally sentenced women increased, programs and services were improved at the Prison For Women, motivated primarily by the 1981 Canadian Human Rights Commission case. Consequently, during the

1980's, the gap between the level of services available at the Prison For Women versus that available at provincial facilities widened.

The level of transfers also stabilized during this time. Most provinces generally refused to accept women serving more than five years (e.g. Saskatchewan, Manitoba) or more than ten years (Alberta, British Columbia), as well as women considered to be difficult to manage. These decisions were taken in recognition that provincial operations were not appropriate for long-term or high need women.

Women Must Choose Between Programs and Location

Since, with the exception of the Tanguay Agreement, no agreement obligates a jurisdiction to accept a proposed transfer, federally sentenced women must, first, be eligible for transfer and, second, make the choice between serving their sentences in their home provinces or accessing the more extensive programs and services which were developed to reflect longer term needs.

This choice between programs and locations has become more difficult recently. The agreement for federally sentenced women with British Columbia (Burnaby Agreement), which was approved in late 1988, represents the first agreement designed to eliminate the location/program conflict and to ensure continued federal involvement in the management of transferred federally sentenced women. The significant differences between the Burnaby Agreement and, for example, the Tanguay Agreement, is reflective not so much of provincial differences but of change in the federal approach. The Tanguay Agreement was negotiated in 1982 to provide a francophone milieu. Other needs were not explicitly addressed. In particular, Aboriginal cultures and spirituality are not reflected within the Exchange of Service Agreements. The Burnaby Agreement, on the other hand, reflects a holistic approach to program needs as well as formal recognition in the terms of the agreement that program development and delivery is a dynamic process.

The program/location choice imposed by the current Exchange of Services Agreements is also complicated by the fact that location implies not only home province but also a particular facility, since most provincial jurisdictions have only one facility for women. In jurisdictions which have two or more, there is usually one primary facility with the second serving as a minimum security annex. The wide variance in the type of accommodation and level of services available to federally sentenced women in different provinces is itself inequitable.

Few Community-based Alternatives

The inadequacy of the community component of the correctional system for women and the critical need for remedial action was documented in the Daubney Committee Report.[92] In addition to the lack of community residential accommodation, there has been little documentation on the experiences and needs of federally sentenced women in the community nor is there evidence of concerted efforts in the past to document the situation and develop an appropriate, effective strategy to address deficiencies. If federally sentenced women in prison are invisible, federally sentenced women in the community are even more invisible.

Women Inherit Programs and Facilities Designed for Men

These practical problems exist within a broader policy problem. Correctional management strategies are developed within a White male context and then applied to both men and women. At best, once a policy or initiative is developed, its differential impact on women is assessed. Therefore, any adjustment, usually nominal, is made at the end. A good example of this philosophical or management perspective, is the Correctional Service of Canada policy on federally sentenced women. This policy states that *in addition* to general policies, programs and services applicable to all offenders, strategies will be developed to meet the special needs of women. This policy reflects the unconscious perception that the needs of women may only conflict in a supplementary, rather than a fundamental way, with the "normal" correctional approach. However, consultations with federally sentenced women and existing research have led the Task Force to conclude that the correctional practices in both federal and provincial facilities reinforce the dependency of federally sentenced women, and do not support responsible self-sufficiency.

The Unique Realities of Aboriginal Women are Not Recognized

Understanding that the realities of women have never been more than an adjunct to the male system, leads easily to the understanding that Aboriginal realities cannot be merely an adjunct to the White system. Access to certain aspects of Aboriginal culture has been provided in both federal and provincial correctional systems, but this access has not been sufficient. For example, Elders and Shamans are not given the same stature or respect by correctional organizations as are chaplains, doctors or psychologists, either as a group or more specifically, as individuals.

---

[92] p.229-231, Taking Responsibility: The Report of the Standing Committee on Justice and Solicitor General on its Review of Sentencing, Conditional Release and Related Aspects of Corrections, Ottawa, 1988.

Aboriginal women have been subsumed within two worlds...the White and the male. "Culturally, economically and as peoples, we (Aboriginal women and men)* have been oppressed and pushed aside by Whites. We were sent to live on reserves that denied us a livelihood, controlled us with rules that we did not set, and made us dependent on services we could not provide for ourselves."[93] Research commissioned for this Task Force starkly revealed the violence and violation most Aboriginal women have experienced at the hands of men. Aboriginal federally sentenced women have been further subsumed within two worlds, that of all federally sentenced women and that of all Aboriginal federally sentenced offenders. This interrelationship and its implications for justice must be fully understood before the unique realities of Aboriginal women can be responded to effectively.

Lack of Community Involvement

A final problem associated with federally sentenced women is community involvement. The Task Force consultations provide evidence that there exist strong and committed communities which cannot be fully and effectively reached by federally sentenced women. At the Prison For Women, for example, the added pressure of volunteer supervision on limited staff resources can work against increased community involvement in the delivery of institutional activities. There are also practical operational problems such as the instability associated with annual rather than multi-year contracts. The grim physical environment and the security orientation are psychological barriers for many potential volunteers. For volunteers who have overcome this barrier, the emphasis on security and punishment continue to act as inhibitors against the development of natural balanced relationships with federally sentenced women. The net result is that the community-based activities are perceived to be an add-on, a gesture rather than an integral component of the system.

CONCLUSION

The preceding account of the dilemmas which have arisen through the current responses to federally sentenced women, points to the need for fundamental change. The ability of the Correctional Service of Canada to meet its responsibility for federally sentenced women has been eroded by trying to fit a small, diverse, relatively low-risk group of women with multi-faceted needs into a system designed for a large, more homogeneous and higher risk population. In the process, inequality and insensitivity to the needs of federally sentenced women have become unanticipated consequences of our current system.

---

* Words in brackets followed by * are editorial inserts for clarification purposes only.

---

[93] p.ll, Sugar, Fran and Fox, Lana in "Survey of Federally Sentenced Aboriginal Women in the Community", January, 1990, Ottawa, Canada.

CHAPTER VII

THE BROADER CONTEXT OF THE PROBLEM

BEGINNING THE PROCESS OF CHANGE

In the summer of 1988, Ole Ingstrup, then recently appointed Commissioner of the Correctional Service of Canada, made clear a commitment to comprehensively address the needs of federally sentenced women and expressed his desire for a major review of the situation through the establishment of a Task Force. This interest found common ground with the Canadian Association of Elizabeth Fry Societies who had long supported the creation of a task force on women in conflict with the law.

THE BROADER ENVIRONMENT SUPPORTS ACTION

A number of other factors both in the external and internal environment combined to lend support for the decision to take action on the problem.

Feminist Analyses of the Problem have Gained Credibility

In the external environment, one of the indirect influences is the impact of feminism on corrections. The critiques of traditional sociological and psychological interpretations of women's criminality, which began in the 1970's, culminated in the publication nearly a decade later of several studies which argued "that women in prison have more in common with other women than they do with male inmates, and that programs and services should be designed to meet local needs and circumstances, or planned individually, not on the basis of some 'centralized blueprint'.[94] These studies demonstrated that while the needs of federally sentenced women may be more dramatic, they are of the same nature as the needs of women in general.

Representatives of women's groups and others who share their beliefs, stress that such issues as poverty, racism, wife battering and sexual abuse are centrally linked to women's crime. They argue that to plan effective programs and policies for women, a fundamental re-assessment of women's inequality in our society, including an analysis of the low level of social support for women and the negative attitudes towards women, is essential.

This broad trend was reflected at the Third National Workshop on Female Offenders which took place in Pittsburgh, Pennsylvania, in May 1989. The theme, "The Changing Needs of the Female Offender - A Challenge for the Future" was generally interpreted as a call for a fundamental restructuring of corrections for women rather than the patch-

---

[94] p.11 Shaw, Margaret, "The Federal Female Offender: Report on a Preliminary Study", Solicitor General Canada, June, 1989.

working evident in so many correctional systems, which works against the objective of responsible self-sufficiency.

Aboriginal People Demand More Control over Justice for Their People

The influence of the Aboriginal struggle for self-determination, is a critical environmental factor for the assessment of Aboriginal federally sentenced women. For example, the recent founding of the Aboriginal Women's Caucus, with its mandate to speak on behalf of Aboriginal women in conflict with the law, can be seen as a structural articulation of the link made by Aboriginal women between self-determination and corrections. The conclusion is inescapable that if women generally are disadvantaged by social stereotypes and economic disparities, Aboriginal women suffer discrimination within discrimination through the addition of racial stereotypes. However, this conclusion has not yet been explicitly incorporated within government thinking.

The beginnings of a perceptual change within the Ministry of the Solicitor General with respect to Aboriginal peoples and corrections can be seen from the establishment in March, 1987 of the *Task Force on Aboriginal Peoples in Federal Corrections*. This task force reported in the fall of 1988. The multi-departmental nature of the task force and its emphasis on consultation recognizes that a broader understanding and acknowledgement of Aboriginal reality is required and should be actively pursued. To that end, the task force concluded that the achievement of equity for Aboriginals in the correctional system is dependent on enhanced Aboriginal participation and increased Aboriginal control over programs and services.[95] However, the Task Force on Federally Sentenced Women was advised, through its Aboriginal representatives that, from an Aboriginal women's perspective, the Task Force on Aboriginal Peoples was deemed to be unsuccessful in forging an equal partnership between government and Aboriginal peoples. Instead, Aboriginal women see it as a government report.

Charter Challenges Signal the Need for Change

Charter challenges, both in the past and currently, under the equality and other provisions of *The Canadian Charter of Rights and Freedoms*, have emphasized the inequalities and injustices experienced by federally sentenced women and have mandated immediate action to reduce these inequities. These cases assert that in certain institutions the rights of federally sentenced women have been breached by the failure of the system to provide equal means for women to serve their sentences within a reasonable distance from their homes; to provide equal parole opportunities; to provide equal programming, and to provide equal quality and standards of facilities both in comparison to men and in comparison to federally sentenced women serving their sentences in another institution.

---

[95] p.10, Final Report, Task Force on Aboriginal Peoples in Federal Corrections, Solicitor General, Canada, 1988.

New Recommendations to Close the Prison for Women

Into this broad environment, came the *Report of the Standing Committee on Justice and Solicitor General* on its review of sentencing, conditional release and related aspects of corrections (The Daubney Report). One of the recommendations of this report was that the Solicitor General convene a task force to review the situation of federally sentenced women and to develop a plan which would result in the closure of the Prison For Women. Although the timing of the *Daubney Report* was such that there was no requirement for formal government response, the Canadian Association of Elizabeth Fry Societies, following the release of the report, independently continued to urge the Solicitor General to establish such a task force. It must be clearly understood however, that the Task Force on Federally Sentenced Women is not a government response to the *Daubney Report*, and is not premised on the closure of the Prison for Women, even though its recommended plan supports this closure.

Mission Statement Points to the Need for Change

After his appointment, one of Commissioner Ingstrup's first actions was to call for a rethinking of the Mission of the Correctional Service of Canada.

One of the objectives of the new Mission is to ensure that the needs of federally sentenced women are met. Achievement of this objective is to be built on the broader statements of principle in the Mission Document, namely:

- that the obligation of the Correctional Service of Canada to treat offenders humanely goes beyond the legal obligation to ensure their physical needs are met;

- that it is, therefore, essential that every effort be made to respect the spirit of the Charter of Rights and Freedoms;

- that the Correctional Service of Canada must recognize its responsibility for providing the best possible correctional services; and

- that the primary goal of the Correctional Service of Canada is the reintegration of offenders.

These general principles combined with the overall objective to meet the needs of federally sentenced women have contributed to an internal commitment to change, based on the concern of the Correctional Service of Canada that the current programming and accommodation of federally sentenced women are largely inconsistent with these principles. While not all aspects of the Mission Document are fully accepted by community groups involved with corrections, the concern with federally sentenced women is shared.

The Task Force on Community and Institutional Programs Urged Immediate Action

A second Correctional Service of Canada task force, the Task Force on Community and Institutional Programs, which reported in October 1989, also contributed to the realization that the situation of federally sentenced women should be reviewed. The purpose of the Programs Task Force was "to develop and propose improvements to offender programs in order to contribute more effectively to protection of the public...".[96] The Report stated unequivocally that "female offenders must not be disadvantaged in any way and a correctional model applicable to their unique needs will be developed during the next year". The authors went on to assert that: "There is a critical need at this time to articulate a clear, comprehensive policy with respect to female offenders."[97]

The Programs Task Force formulated program principles which built on the core values of the Mission Document. Although the Programs Task Force noted that the needs of federally sentenced women would be separately addressed, it implied that significant changes would be required if the program principles were to have any relevance for this group of offenders. For example, as the description of the current situation of federally sentenced women demonstrates, it is presently not possible for the Correctional Service of Canada to provide an "entire correctional environment... oriented towards changing the offender's criminal behaviour", or to "respond to each offender as an individual". (Principles 3 and 4)

Tragedies in the Prison for Women Call for Urgent Action

A series of deaths and incidents at the Prison For Women itself provided profound evidence of the inadequacy of current management strategies and the failure, on many fronts, to intervene effectively. While it is probable that such tragedies have roots beyond the criminal justice system, inequities, insensitivities and inflexibility within the correctional system must be addressed if there is to be any hope of avoiding such tragedies in the future.

The questions posed around these tragedies leave no doubt about the humaneness of the current system. They also drastically reduce confidence that mere adjustments to that system could ever create a humane environment.

CONCLUSION

Trends and events within the correctional system and in the broader society strongly support the need for a comprehensive approach to change. As the environmental overview summarized above suggests, there is a groundswell of consensus that fundamental reform is urgently required and that the time to act is now.

---

[96] p.i, Report of the Task Force on Community and Institutional Programs, Solicitor General Canada, Ottawa, Canada, October, 1989.

[97] p.55-56, op cit.

CHAPTER VIII

THE TASK FORCE ON FEDERALLY SENTENCED WOMEN

THE CREATION AND MANDATE OF THE TASK FORCE

The Task Force on Federally Sentenced Women was established in March, 1989, by the Commissioner of the Correctional Service of Canada in collaboration with the Canadian Association of Elizabeth Fry Societies.

The mandate of the Task Force on Federally Sentenced Women required members to examine the correctional management of federally sentenced women from the commencement of sentence to the date of warrant expiry, and to develop a policy and a plan which would guide and direct this process in a manner that is responsive to the unique and special needs of this group.

ORIGINAL WORKING PRINCIPLES

The work of the Task Force was initially guided by the Terms of Reference agreed to by the Correctional Service of Canada and the Canadian Association of Elizabeth Fry Societies. As well, the co-chairing organizations agreed to a number of working principles, namely, that:

1. there will be open sharing of information;

2. the Task Force will not be premised on the closure of the Prison for Women;

3. there will be no expanded use of Federal/Provincial Exchange of Service Agreements for female offenders during the life of the Task Force, with the possible exception of Alberta. (Alberta has been advised that no further negotiations will take place until after the report of the Task Force has been tabled and considered.)

4. the Task Force will engage in action research;

5. the Task Force will be adequately staffed with research and administrative support;

6. the Task Force membership will include representation from Aboriginal and minority women's groups, and information will be collected and analyzed in a culturally relevant way;

7. the Task Force will consult with federally sentenced women;

8. the Task Force will be composed of two committees - a Steering Committee and a Working Group. Both levels of the Task Force will be co-chaired by representatives from the Correctional Service of Canada, and the Canadian Association of Elizabeth Fry Societies.[98]

9. The private sector will have membership on both committees of the Task Force equal to the government participation.

ORGANIZATION OF THE TASK FORCE

The Task Force was organized into two committees; a Steering Committee, comprised of senior officials from various relevant agencies and organizations and a Working Group, staffed by government and non-government representatives with direct expertise pertaining to federally sentenced women. A variety of different perspectives and experiences were represented on the Task Force. The membership included federally sentenced women, community, Aboriginal and women's groups, along with a variety of government agencies.

The Steering Committee was co-chaired by Bonnie Diamond, Executive Director of the Canadian Association of Elizabeth Fry Societies, and Jim Phelps, Deputy Commissioner, Correctional Programs and Operations, Correctional Service of Canada. This Committee provided overall direction, perspective, and a broad context for the work of the Task Force.

The Working Group was co-chaired by Jane Miller-Ashton, Director of Native and Female Offender Programs, Correctional Service of Canada, and Felicity Hawthorn, Board Member and Past President, Canadian Association of Elizabeth Fry Societies. The Working Group defined goals, developed work plans, assessed research needs, directed researchers, conducted the consultations, scheduled the discussions and drafted the report.

At the first Steering Committee meeting, the need for stronger representation from Aboriginal Women was raised by the Native Women's Association of Canada. Consequently, prior to the first Working Group Meeting, Aboriginal membership was enhanced from one to four on the Steering Committee and from one to two on the Working Group.

TERMS OF REFERENCE

Following a review by the Task Force, the original Terms of Reference, agreed to by the Correctional Service of Canada and the Canadian Association of Elizabeth Fry Societies, were revised. The amended Terms of Reference, which guided the work of the Task Force,

---

[98] While the co-chairpersons will have responsibility for providing leadership to the substantive aspects of the actual work of the Task Force, certain accountabilities were retained by the Commissioner because of the government structure within which the Task Force operated. The areas where the Commissioner did not guarantee full control to the co-chairs pertained to: finances, major timelines and milestones and progress reports.

now stress the over-representation of Aboriginal people in the Canadian criminal justice system as well as the significant impact of Aboriginal experience in clarifying the unresolved problems affecting federally sentenced women.

CONSULTATIONS AND RESEARCH

At the first meeting of the Task Force, it was agreed that consultations with federally sentenced women and with the community should be as broad-based as possible. Research requirements were identified in several areas, the most intensive of which appeared to be the survey of women's needs.

THE MAJOR LIMITATIONS ON THE WORK OF TASK FORCE

While members struggled with many issues over the course of the Task Force, five concerns in particular affected the work of the Task Force and its recommendations:

1. How Could the Task Force Obtain and Benefit from the Views of Aboriginal People?

The original consultations planned by the Task Force failed to effectively reach Aboriginal communities. The Task Force did not consider this failure acceptable and recognized that, for any future initiatives, efforts must be made to develop a more sensitive Aboriginal consultation strategy. This failure, and the subsequent work to enhance the cultural appropriateness of the various research instruments, sensitized the Task Force to the need for innovative approaches to information gathering. The needs survey of federally sentenced women in the community is an example of such an approach. The Aboriginal component of this survey was developed and managed independently of the non-Aboriginal component, by an Aboriginal team under contract.

The Task Force was also assisted in its efforts to achieve a more profound appreciation of Aboriginal reality through a workshop with an Elder, Joan Lavalee. As work progressed, the Task Force came to the understanding that it could not be a joint Correctional Service of Canada/Canadian Association of Elizabeth Fry Societies initiative. Rather it must act as a tripartite initiative, if the voices of Aboriginal women were to be heard clearly and without distortion.

2. How Could the Task Force Build a New Correctional Approach for Women?

Through its consultations, research and discussions, the Task Force struggled to move beyond previous approaches to federally sentenced women, which assessed and responded to the situation of women in comparison to federally sentenced men. The comparison approach quickly proved to be limited, and indeed regressive, since equality, even in terms of parity with federally sentenced men, acts as an implicit endorsement of traditional correctional practices.

The rejection of this approach required the Task Force to formulate a plan which would respond to the needs and risks represented by the women themselves, and which would respond in a way reflective of women's perceptions of, and interactions with, each other and society generally. However, it should be noted that the work to build a correctional system, based on women's reality rather than sexual and racial stereotypes, was made more difficult by the fact that a comprehensive, coherent female corrections model does not exist, particularly one that is also responsive to Aboriginal perceptions.

3. How Could the Task Force Create Recommendations for Fundamental Change in Less than One Year?

The desire to conduct broad-based consultations and collect comprehensive information on the needs of federally sentenced women within a short timeframe, quickly led the Task Force to a significant conclusion - the Task Force would be working on issues and dilemmas at the same time as the consultations and research were in progress. This parallel process meant that the analysis of the implications of the research findings could not be incorporated until late in the process.

The Task Force members also worked on the assumption that the fine details of the recommended plan would be decided in a comprehensive implementation phase following the work of the Task Force.

4. Could the Existence of the Task Force be Used to Delay Change?

In an initial discussion of hopes and fears early in the work of the Task Force, members expressed a strong concern that the existence of the Task Force, and, subsequently, the existence of its report, could be used as an excuse to delay urgently needed action to improve conditions under which women currently serve their sentences.

As a corollary, the position was adopted that any initiatives under consideration should be brought to the attention of the Task Force. This stance was considered critical since Task Force members recognized that any recommended plan would take time to implement fully.

5. How Could Members Overcome the Limitations of the Task Force Mandate?

Finally, the Task Force struggled with the limitations imposed by its mandate. To examine correctional management from date of commencement of federal sentence to date of warrant expiry and to develop a plan which can be implemented within current legislation, created severe constraints. It obligated the Task Force to exclude from full consideration provincially sentenced women, the impact of the pre-sentence period and the issue of Aboriginal self-determination with respect to corrections. In addition, the legislative limitations precluded the formulation of a community-based correctional system.

The Task Force struggle ultimately resulted in the conclusion that these broader concerns and goals would provide the context for our recommended plan.

CONCLUSION

Trends and events within the correctional system and in the broader society strongly support the need for a comprehensive approach to change. As the environment overview summarized above suggests, there is a groundswell of consensus that fundamental reform is urgently required and that the time to act is now.

CHAPTER IX

ISSUES AND DILEMMAS

INTRODUCTION

The voices of the past pointed out clearly that the concerns raised by this Task Force through consultations, research and deliberations are not new. Many of the issues that this Task Force has grappled with have been previously recognized and documented.

For example, the issue of decentralizing the accommodation of federally sentenced women and the issue of providing appropriate and adequate resources, have been discussed throughout the full history of the Prison for Women. Other issues, such as staffing, security and community involvement have been explored before, but are now becoming better understood within the context of a changing social perception of women, and in light of recent correctional trends to move beyond the traditional security approach towards a responsibility model. Why is it, that with such a solid body of consistent knowledge, change has been so slow in coming?

Factors Which Have Impeded Creative Change

Despite evidence of a mood of reform, a range of factors which have tended to impede change was identified by Task Force members, and through research[99] commissioned for this report.

1. The high incarceration rate for women and for men in Canada suggests that the use of incarceration is a deeply entrenched tradition.

2. The relatively high rate of violent crime by Aboriginal women and the related over-representation of Aboriginal women under federal sentence is related to the racism and cycle of violence so many Aboriginal women experience. Their history of institutionalization, the violence they have experienced at the hands of authority figures and in their communities, the high levels of drug and alcohol abuse, the high levels of self-abuse, and institutional and societal racism, all contribute to the over-representation of Aboriginal women among federally sentenced women. Racism and the cycle of violence also strongly influence Aboriginal women's experiences, and contribute to forming inadequate and inappropriate responses to their over-representation.

---

[99] Axon, Lee, op cit., and Shaw, Margaret, "The Federal Female Offender - Report on a Preliminary Study", op cit.

3. There is a tendency to apply to women and to men, the same criteria used to assess risk, even though these criteria do not relate well to women. Women, therefore, are consistently over-classified in terms of security, and there is some indication that this tendency is even more pronounced for Aboriginal women.

4. The argument that the small number of federally sentenced women results in unacceptably high per unit programming and accommodation costs for each woman, has been so consistently used, that it has been accepted. Accordingly, the provision of diversified, sensitive programming which meets the needs of women has been considered a fiscal impossibility.

5. There is a continued concentration on control through punitive measures, despite findings that suggest such control likely provokes disruption.

6. There appears to be a lack of political will to effect fundamental change for women.

The Central Conundrum

A review of the agreed-upon position that fundamental change was necessary to provide meaningful choices for federally sentenced women led Task Force members to identify a central conundrum. Members believe that society must move towards the long-term goal of creating and using community-based, restorative justice options, and an alternative Aboriginal justice system. Yet, the Task Force also concluded that substantial and significant changes must be made *immediately* in the environment of federally sentenced women. It seemed inevitable that significant change would require a capital investment of some type, either to renovate the Prison for Women or to lease, buy, or construct new residences. Would the extent of such an investment divert focus and action from the long-term objective?

Task Force members did recognize that the long-term goal could not be achieved within the context of its mandate. Nor could it be achieved within the present legislative framework. The Task Force examined the possibility of an Aboriginal justice system but concluded that such a system is an integral aspect of the broader Aboriginal goal of self-determination. The Task Force further recognized that the process of creating the social and political will to support fundamental legislative change in corrections would require significant time.

The Task Force decided that it was critical to minimize any potential conflict between long and short-term goals by developing a recommended plan as an interim step which respects the fundamental premisses of the long-term goal, and encourages responsibility for sentenced persons. As well, the recommended plan must not result in the deferral of the long-term goal even further into the future, but rather, should take a meaningful step towards making the vision which encompasses both the long-term goal and the recommended plan a reality.

These premises informed the Task Force discussions which are presented below. The discussions have been organized under four headings: Accommodation Options; Operational Environment; Pre-Release and Community Options; and Unique Realities.

ACCOMMODATION OPTIONS

From Institutions to Home-Like Accommodation

In order to frame its discussions on the issue of accommodation, the Task Force posed the following questions:

- How can small numbers of women be accommodated close to their home communities and yet have access to a wide range of appropriate programs?
- What type of accommodation would provide an environment which parallels community norms?
- Should women prisoners be housed with male prisoners?
- How big should the facility or facilities be?

In discussing these issues, the Task Force assessed the impact of the legislative restrictions on the Correctional Service of Canada's authority to enable federally sentenced women to participate in community-based programs. Members concluded that in terms of community-based residential options, the restrictions to movement in the period prior to day parole, would still cripple access to the community. However, while the law makes it clear through these limitations and rules that federally sentenced women must be physically separated from the community for a period of time, the law does not in any way define what a penitentiary must look like. The law speaks only to the protection of society and the humane and safe custody of those sentenced.

The consultations and research provided substantial evidence that the present facilities for women are largely antiquated and inappropriate. From these sources and group discussions, the Task Force articulated some design features that were seen as critical to any new facility:

- several acres of land which would provide space to move, contact with nature, a designated location for Aboriginal spiritual ceremonies, and exercise and recreational areas for sentenced women and their families;
- a home-like atmosphere with small cottage units which would promote independent living in small groups;
- building structures which have lots of natural light, colour, good air ventilation as well as flexible, attractive multi-use and private space to promote healthy living;

- proximity to large urban centres in order to facilitate visits by family members, attract appropriate professional, community and business resources, and to take advantage of existing educational, health, cultural and recreational facilities;

- a size which would allow a personal, interactive, non-institutional atmosphere;

- non-intrusive security measures in order to reflect the low risk to the community presented by most women.

Next, the Task Force members moved to a discussion of other factors against which to assess various accommodation options. Again, the consultations and research provided invaluable information in determining the critical factors. The ability to:

- facilitate community involvement;
- access appropriate programming;
- address the needs of Aboriginal women;
- meet language and cultural requirements;
- facilitate release;
- meet the articulated design features;
- address existing realities (e.g.: the Burnaby agreement);
- ensure proximity to home and cultural environment;
- provide facilities and programs consistent with the needs and experience of federally sentenced women;
- reflect the community consultations and research results;

were considered crucial to develop an accommodation option which would enhance creative choice, community involvement and shared responsibility.

Finally, a number of possible accommodation options were identified by the Task Force members. To determine the primary options, the Task Force reviewed the proposals which were put forward during the consultations. The primary options were:

- maintain the Prison for Women and current Exchange of Service Arrangements (i.e., maintain the status quo);

- renovate the Prison for Women and enhance the Exchange of Service Agreements;

- build a new federally operated central facility;

- negotiate new Exchange of Service Agreements with all provinces;

- make existing and new facilities co-correctional;

- create regionally dispersed federally-operated women's facilities.

Each option was assessed against the factors listed earlier in order to determine which one represented the best balance. In attempts by Task Force members to apply several of the factors to the status quo, it became obvious that neither the maintenance nor the renovation of the Prison for Women could ever be made acceptable. Therefore, the discussion on these two particular options has been combined in the first summary below.

Should the Prison for Women and Exchange of Service Agreements be Maintained?

Assessed against all factors, this option was critically deficient and highly variable at best. To maintain the current arrangement would be to perpetuate the discrimination with respect to the programs, resources and proximity to home that women already experience. The status quo was not supported in any of the consultation feedback. The research results support the need for equitable treatment of women in environments very different from the Prison for Women. Accordingly the status quo, and the option of renovation or enhancement of the current arrangement, were rejected by Task Force members.

Would a New Federally Operated Central Facility Meet Women's Needs?

This option was preferred by some federally sentenced women and less than 20% of other groups consulted. The arguments offered were not persuasive. One of the supporting arguments was the fear that any geographic dispersion of women would result in very small groups of women being absorbed within the larger male system. However, the Task Force concluded this argument could be readily responded to through appropriate administrative and organizational mechanisms. This option, although it met the assessment criteria in a few areas, was ultimately rejected because it worked against providing more proximity to home, did not meet the needs of Aboriginal women, and did not support critical design criteria concerning size and security issues.

Could Enhanced Exchange of Service Agreements with All Provinces be the Solution?

The option of negotiating enhanced Exchange of Service Agreements with all provinces was discussed at length. In order to meet the assessment criteria established by the Task Force, the federal government would need to implement a plan that breaks new ground in the correctional field. To involve provinces and territories in the full approval, development, implementation and administration of such a plan would be to presume a level of common interest and agreement which does not currently exist. It would also require extensive effort, time and capital to achieve this level of agreement. Provincial institutions are, for example, largely antiquated. Consequently, this option was ultimately rejected because of the belief that the federal government (which has a responsibility for women serving two years or more) must accept ownership for the present inequities, and should assume leadership in creating appropriate solutions. The Task Force concluded that federal responsibility was essential to the overall establishment of the recommended plan for women, but that this would not preclude the involvement of provinces who might be interested in a joint venture. However, Task Force members feel strongly that federal

action should not be delayed in any way by efforts to seek and obtain provincial or territorial participation.

Should New and Existing Facilities be Co-correctional?

The Task Force members heard extensive representations and considered existing research with respect to co-corrections. Although it was acknowledged that there were some distinct advantages to a co-corrections model, although a substantial number of the women voiced interest in such model and, although this approach could be designed to meet a number of our assessment criteria, the overwhelming view was that a co-corrections model was not desirable at this time. This decision was based on a number of factors, including the belief that a co-correctional setting would not be as sensitive to the situation of federally sentenced women in terms of their physical and sexual abuse histories. In addition there was serious concern about the likely disparity in the ratio of women to men in co-correctional facilities and the strong probability that the assessment and programming needs of women would not be met in a relevant manner. It should be noted, however, that some Aboriginal groups did not feel as strongly about this issue (due to cultural differences which bind them first as Nations of people), and secondly as women or men, particularly with respect to an alternative Aboriginal accommodation option.

Would Small, Regional, Federally-Operated Facilities Provide a Better Approach?

The idea of regional facilities for women received overwhelming support among the groups consulted by the Task Force, and this option fared well when examined against our assessment criteria. Research results also suggest support for facilities which bring women closer to home, place them near well resourced communities, and accommodate them in small, cottage style facilities.[100] The Task Force concluded that this option would integrate best with community release housing options, would address the needs of all federally sentenced women, and would permit flexibility in movement and programming.

The Recommended Option

Based on these discussions, the Task Force decided to recommend a series of regional women's facilities, run by the Correctional Service of Canada and located in each of its five regions.[101] (It should be noted that dedicated accommodation for Aboriginal federally sentenced women is discussed in a subsequent section of this chapter.) Having determined the most effective accommodation option, the Task Force then considered the size and location for each Regional Women's Facility:

---

[100] p. 62, Shaw, Margaret, "Survey of Federally Sentenced Women", op cit.

[101] The situation of British Columbia is discussed separately on pg. 100.

How Large Should Each Facility Be?

The Task Force discussions on size were focused on three factors:

- a low rate of projected growth in the number of federally sentenced women;
- the potential impact on these projections of an aggressively pursued community release strategy; and,
- the need for some flexibility to enable transfers between facilities.

The Task Force conclusions were supported by preliminary analysis from the Correctional Service of Canada planning division. Data indicates that the projection of an annual population increase of two percent is realistic. Given the low number of federally sentenced women, this rate will result in little change in actual numbers. As well, improved community release interventions are anticipated to offset potential minimal growth. Finally, historical information confirms that the number of women from each province or territory is also very stable.

Therefore, the Task Force concluded that the Regional Women's Facilities should be built to current requirements, with minimal additional space to enable the occasional transfer between regions. The Task Force recognizes that the size of the Prairie facility will need to be integrated with the planning for any dedicated accommodation for Aboriginal federally sentenced women.

Where Should the Facilities be Located?

In discussing location within each region, the Task Force assessed potential options against two critical factors: first, proximity to home communities of women from that region, and secondly, the availability of essential community resources. These resources were defined, at a minimum, as a university or college; a range of mental health services; a teaching hospital and an Aboriginal community. On this basis, the following locations were determined: Halifax, Montreal, Central/Southwestern Ontario, Edmonton, a Prairies location which will be more definitively pinpointed in relation to a unique Aboriginal accommodation option (to be discussed later in this chapter); and the lower mainland of British Columbia.

As part of the location discussions, the Task Force considered two related concerns. First, the existence of the recently approved agreement with British Columbia for federally sentenced women, as well as agreements with Quebec, P.E.I. and Newfoundland, and secondly, the special situations of women from remote, isolated areas.

What Effects Could Existing Agreements with the Provinces have on the Location Decision?

The Task Force recognizes that the federal government Agreement with British Columbia (the Burnaby Agreement) will enable federally sentenced women from British Columbia to be accommodated in their own province in the immediate future. The Task Force also acknowledges that the Burnaby Agreement is a unique agreement in that it incorporates resource standards and provides for ongoing federal involvement and joint federal/provincial responsibility for women transferred under this Agreement. The Task Force concluded that the Correctional Service of Canada has a responsibility to ensure that the Agreement is implemented and managed as consistently as possible with the Task Force principles for federally sentenced women (which are detailed in the next chapter). The Task Force has only projected a requirement for a federally-operated Regional Women's Facility in the lower mainland if the Burnaby facility fails to meet the premises underlying the Task Force plan.

The Task Force further recognizes that the current agreement with Quebec for federally sentenced women (Tanguay Agreement), terminates in April, 1992. The Task Force concluded that in order to honour Exchange of Service Agreements such as this one and in order to protect the interests of the women, the Correctional Service of Canada must review the status of the current agreements and negotiate interim agreements (if necessary), which will ensure a smooth transition to the use of new facilities.

The Task Force also discussed the situation of federally sentenced women from Prince Edward Island and Newfoundland. In the former case, there is rarely even a sole federally sentenced woman from PEI. In the latter, the unique agreement signed with Newfoundland in 1949 provided that all federally sentenced persons remain in the province. This agreement cannot be terminated unless a federal facility is established in Newfoundland or another appropriate accommodation option is determined. In assessing both situations, the Task Force concluded that federally sentenced women should not be *obligated* to serve their sentence on the mainland and that the Correctional Service of Canada must work jointly with these provinces to develop creative, individualized solutions.

Can Regional Facilities in Southern Locations Meet the Needs of Women from Northern and/or Isolated Areas?

The same is true for women from remote, isolated areas such as the far north. The new regional facilities in the south could not be fully responsive to the needs of women from such areas. This is particularly true for Aboriginal women from the north, for whom a southern facility would mean dramatic separation from not only their home but also their culture. A separate Aboriginal facility might respond to some of their cultural needs, but not to their relationships with their communities. As well, to depend solely on the Aboriginal facility would effectively remove any possibility of choice. On the other hand, it is not feasible to establish a federal facility in remote locations, as there is rarely more than one or two federally sentenced women at one time from the far north. As with the two island provinces, the Task Force members concluded that the realities of women from

remote isolated locations require a unique response. Further work is required to define specialized solutions because it would appear that such solutions will be dependent on increased legislative flexibility.

OPERATIONAL ENVIRONMENT

Under this major heading, the Task Force considers a number of issues and dilemmas which are related to four major areas: programming, staffing, security and administration. The discussion below is organized under headings related to these ares of concern.

From Programs to Resources

It has been well documented in corrections literature that, historically, despite high need, programs for women are poorer in quantity, quality and variety than those for men prisoners.[102] The reasons for these disparities have also been extensively articulated.

Although efforts to improve programming at the Prison for Women and at provincial institutions through Exchange of Service Agreements have been made in recent years, it is clear from the consultation and research results produced for this Task Force that a further shift in the approach to programming for women is urgently needed.

Program issues inevitably surfaced in all Task Force discussions, whether the explicit subject was accommodation or community release options. Not only did this underscore the importance of program issues, but in fact, its frequent appearance under different guises, ultimately led the Task Force to adopt a broader definition of programs to include all of the services, opportunities and supports that should be made available to federally sentenced women. In adopting this position, the Task Force concluded that there should be a shift from "programs" to "resources".

Programs are designed to respond to clearly defined, categorized needs, defined not by the women, but by the program leader, or corrections officials. Within this model, the woman must fit herself and her needs to the available program. In contrast a "resources" approach would require the Correctional Service of Canada to seek out and obtain the required resources to respond to individual needs as identified by the women.

What Makes Programming Effective?

The Task Force discussed how this shift in perspective could be reflected in the approach taken by the Correctional Service of Canada. From the research, particularly the exemplary programs survey and the needs survey, the Task Force identified several premises which appear to increase the effectiveness of programs:

---

[102] For example, see: Fabiano, Liz, and Ross, Dr. Robert, "Correctional Afterthoughts: Programs for Female Offenders", op cit.

- programs are women-centered; that is, they reflect the social realities of women and respond to the individual needs of each woman;
- one objective of programs is to support the development of self-esteem and autonomy;
- the element of personal choice, particularly in such areas as health care and nutrition, is critical;
- programs must be oriented towards release;
- programs must be developed and provided in a culturally sensitive manner.

Underlying these premises, is one broad strategy. Programs must be approached from a holistic perspective. That is, all programming must work together to respond to the multi-faceted, inter-related nature of a woman's experience. For example, there must be an understanding that psychic trauma, (such as the trauma caused by sexual abuse) can affect an individual's every action, including the learning of basic literacy skills. Persons involved in the delivery of a specific program must, therefore, be aware of and sensitive to the lives of the women and the effect their past and present experiences may have on such factors as their ability to concentrate or deal with new skills.

What are the Most Critical Program Needs?

The Task Force utilized the findings from both consultations and research to determine which areas were perceived to be most critical.

The program areas which emerged were: education, skills development, mental and physical health care, alcohol and drug addiction programs, and programs to help maintain and strengthen family ties and community relationships. In addition, programming as it pertains to particular groups of women such as long-termers or Aboriginal prisoners was highlighted. The Task Force determined that each regional facility must make resources available in these core areas.

The discussion on mental health issues was particularly problematic. Although the Task Force received preliminary data on the mental health needs of women at the Prison for Women as assessed by the Diagnostic Interview Schedule Survey (DIS Study)[103], the Task Force concluded that more analysis needs to be done to situate these needs in a broader social context. The ask Force members did however argue that the DIS Study confirmed the perception of many workers in the corrections area, namely, that federally sentenced women have a high need for mental health related support and intervention.

---

[103] Correctional Service of Canada, Research Branch, "Mental Health Survey of Federally Sentenced Offenders at Prison for Women", op cit.

In discussing the implications of hospitalization for women in severe psychotic episodes, the Task Force concluded that its lack of knowledge regarding existing mental health facilities limited its ability to make a definitive recommendation. Further work is required to determine whether and where suitable facilities can be found. In the interim, rather than moving to construct such facilities itself, the Correctional Service of Canada should utilize provincial mental health facilities but only when hospitalization is absolutely required. When hospitalization is considered necessary, correctional workers should be involved for the duration of the woman's stay, and the woman should remain in hospital for the shortest possible time.

Why is Community Involvement so Essential to Effective Programming?

The Task Force discussed the issue of in-house versus external resources. The provision of resources by community agencies or individuals was considered important to maintain the link between women and the community. Community agencies are in a better position to ensure that programs are continually revitalized and updated. Workers in community agencies are often well connected to programs from other areas not directly connected to corrections. They can therefore more easily plan a multi-dimensional programming strategy and facilitate continuity for the women upon release.

However, the Task Force did identify the current instability in community resource delivery which appears primarily to be associated with the annual funding process. The Task Force considers that the important benefits associated with community service delivery could be guaranteed through a more stable and long-term funding structure.

From Staffing for Security to Staffing for Support

What Role Should Staff Play?

The debate on staffing issues has traditionally focused on the security versus programs conflict, while the more recent thrust towards dynamic security and unit management is based on the idea of integrating the concepts of control, support and assistance. It is, however, becoming increasingly clear that the full expression of such integration, because it is dependent on establishing stable, productive personal relationships rather than institutional ones, will be difficult to achieve in traditional correctional environments.

Certainly, during research and consultations, federally sentenced women told Task Force members that they needed support from staff rather than security. The women said they needed staff to respond to their pain and to support, motivate and reinforce the growth of self-esteem and judgment.

Federally sentenced women reported relating positively towards non-security staff such as nurses and psychologists as well as staff in program positions including paid and volunteer workers from community groups. While women reported that individually they liked some security staff better than others, there was the overwhelming view expressed that the security

staff role was a guarding function, that they had no counselling skills, and that there was not sufficient trust between guards and prisoners to allow prisoners to confide in the guards. And yet, often, particularly in the middle of the night or at other times of crisis, there is no other person available for support.

The women also raised the need for cultural sensitivity among staff members. For example, while some effort has been made in the Prison for Women and in some provincial institutions to introduce Aboriginal programming, women observed that staff members rarely understand the meaning and importance of Aboriginal spirituality and traditions, particularly in those places where federally sentenced women are incarcerated in the provinces.

Current staffing does not respond well to women's needs and preferences. The present correctional system is security driven in that by far the greatest number of staff are security staff, the largest proportion of the correctional budget is allocated to security, and many restrictions and limitations to programs and other activities are based on "security needs".

The historical basis of this current staffing model, which included the use of ex-military and RCMP staff, still retains some para-military flavour with uniforms, rankings and a strict hierarchy ordering the relationships between various staff members and between staff and prisoners, despite strenuous efforts by the Correctional Service of Canada in recent years to move to a different model. According to research results, this is problematic for women who do not react well to this type of authoritarian structure.

In order to help women take responsibility for their lives in prison and prepare for self-sufficiency upon release, staff must create an environment where relationships based on role-modelling, support, trust and democratic decision making can thrive between staff and federally sentenced women.

How can Staff Selection and Training Promote a More Supportive Approach?

In order for staff working with federally sentenced women to assume more supportive rather than security oriented roles, the focus of selection and training will need to shift.

Staff will require life experience, social service work histories, and/or academic backgrounds which prepare(s) them to work specifically with women. They will require a sound understanding of women's issues, including the socialization of women, and will need a high awareness of the abuse experienced by many women throughout their lives. In addition, staff will require an appreciation of Aboriginal and other cultural issues and a sensitivity to the dynamics and expression of racism.

The skill profile of staff working with federally sentenced women would also include highly developed interpersonal, communication skills, crisis intervention and negotiation abilities. Efforts to recruit Aboriginal people and individuals from ethnic minority groups should be a priority, undertaken in a culturally sensitive manner.

Should Male Staff be Hired?

The research commissioned for this Task Force clearly demonstrated that the majority of federally sentenced women are survivors of physical and/or sexual abuse, primarily suffered at the hands of men with whom they shared their daily lives.[104]

In addition, women in Canadian society are generally considered or treated as unequal to men and are often dependent on men economically and emotionally. Women are also frequently subordinate to male authority in their work and home lives.

Women require the greatest possible freedom to work on past injuries and to gain strength to move forward to a world where they can interact with women or men on a sound foundation. Task Force members believe that the presence of women staff, particularly in key positions, provides a powerful message of self sufficiency to women. Teaching strength and self-esteem to women can be achieved best when they can daily observe these characteristics in other women.

Based on these realities, hiring male staff to be the primary support for women in their day to day living situation would be counterproductive to the encouragement of increased self-esteem and independence. In addition, the hiring of male staff for such positions could interfere with the healing process for those who have survived physical, sexual and/or psychological abuse.

Task Force members agreed, however, that there are roles, for example in education and vocational training programs, that could be filled either by women or men who are sensitive to women's needs and realities. However, in order to create meaningful choices for federally sentenced women, all staff must understand the philosophy that equality and fairness will only result when fundamental changes occur in the ways that staff relate to federally sentenced women.

From Risk Management to Individual Planning

In the current correctional system, the management of federally sentenced women is based primarily on security considerations. This approach is built on several assumptions which Task Force consultations, research and deliberations indicate are not relevant or constructive for women.

One of these problematic assumptions is that federally sentenced women are a risk to society. Based on this assumption, federal women are divided into the same security categories and subjected to many of the same static security measures as are men. And yet, most federally sentenced women are not a risk to society. Where women do present risks, these risks tend to be to themselves.

---

[104] p. 29-31, Shaw, Margaret, "Survey of Federally Sentenced Women", op cit.

Another assumption underlying the current management of federally sentenced women is that some of the women's needs are more important than others. This assumption leads to the priorizing and separate categorizing of needs. Instead, Task Force research and consultations stressed that needs must be dealt with holistically.

A third assumption on which the present system responds to federally sentenced women is that case management should be primarily an internal correctional system responsibility. There is evidence to suggest that a team approach to case management[105] can be very useful.

As Task Force members deliberated on these assumptions and their implications for the current system, a number of dilemmas arose. These dilemmas will be discussed under three main sub-headings dealing with security, classification and case management.

What are the security needs of women?

Through consultations and research, the Task Force was told by federally sentenced women that they needed support, not security. Many others consulted also believe that the traditional security system has little relevance for women whose value systems are rooted more in relationships than in systems.

Aboriginal people consulted, also stressed that the concept of punishment is alien to the Aboriginal culture. The focus on restoration of harm and finding direction through teachings and spirituality in traditional culture is diametrically different from the punitive models that have grown up in non-Aboriginal, western civilizations. The punitive model is, therefore, particularly irrelevant and harsh in its effect on Aboriginal women.

The discussions around this question among Task Force members, focused primarily on how to achieve an open environment while ensuring the protection of society.

Are Federally Sentenced Women a Risk to Society?

Experience, now validated by the Task Force research and consultations, confirms that all federally sentenced women are high need regardless of sentence length or nature of offence.[106] Regarding risk, women generally are not a danger to others. There are a very small number of women who have come to rely on violence in order to survive overwhelming abuse throughout their lives. It is believed that these women will respond well to a more supportive environment.

---

[105] Axon, Lee, "Model and Exemplary Programs for Female Inmates - An International Review", op cit.

[106] The survey of federally sentenced women in prison and on parole or mandatory supervision in the community as well as the survey of federally sentenced Aboriginal women in the community both stress the wide range of needs of federally sentenced women.

Women do, however, present risks to themselves. Research[107] suggests this risk is directly associated to their histories of abuse. Self-abuse is related to feelings of low self-esteem and unresolved pain, often from physical, sexual and/or psychological abuse. Therefore, federal women could pose less risk to themselves if they were supported to develop better self-esteem and independence, and if they were helped to heal from the effects of abuse in their lives.

In addition, there is some understanding currently that a punitive environment exacerbates and may indeed be a contributory motivating influence in self-directed violence. Punishment such as segregation, whether in response to disciplinary offenses, the "good order of the institution", or whether in response to an individual being victimized by other prisoners, is inappropriate when the aim is to empower women to accept responsibility and make good choices for themselves.

After extensive discussion, the Task Force concluded that the assumption underlying the current management of federally sentenced women should not be risk/security but risk/support. The Task Force finds the four current security classification categories inappropriate for the small group of federally sentenced women.[108] Current "security" would best be replaced by the provision of a healthy environment, supportive staff, and a good planning process. This dynamic form of security-support will allow federally sentenced women to utilize the legislated period of incarceration to confront and resolve the trauma underlying their inner-directed anger.

Task Force members also concluded that overall, facilities for women should not be security driven. Every woman regardless of offence should be given the opportunity to respond to supportive and dynamic intervention. On the rare occasion where a woman poses a threat to the safety of others, her free movement amongst others may have to be curtailed temporarily. Even in this instance, static security measures must be used to the least extent possible. Every effort should be made to avoid creating a barrier through static security measures to human support systems (including friends). In addition, intensive human intervention must be maintained until the woman can abandon violence and develop safer coping skills.

It should be noted that the concept of risk/support is consistent with principle of non-punitive restoration of harm central to Aboriginal traditions.

---

[107] Heney, Jan, "Report on Self-Injurious Behaviour in the Kingston Prison for Women", op cit.

[108] The Chinnery Report, op cit, and the Needham Report, op cit. also support this conclusion.

Is Classification Appropriate?

Research conducted for the *Chinnery Report*[109] and the *Needham Report*[110] demonstrates that male criteria are not relevant for women, and suggests a methodology for developing a female based classification system. In addition, through consultations, Task Force members learned that the current criteria are not culturally relevant and, therefore, Aboriginal women, in particular are affected negatively by the current classification system.

Initially, Task force members supported the concept of woman-based criteria for classification as suggested by previous studies but ultimately came to the conclusion that assessment to gain better understanding of a woman's needs and experiences is more appropriate than classification. This conclusion is based on the Task Force perception that classification maintains the focus on security and on assigning a security rating for the women. Assessment, on the other hand, looks at the whole spectrum of women's needs from a holistic perspective, including needs relating to programming, spirituality, mental and physical health, family, culture and release plans. Through this assessment, staff can then respond to the constellation of needs by appropriate support and intervention strategies which also consider the protection of society and the reduction of risk.

Experience has shown that sound assessment facilitates early release by identifying at the earliest possible point in the sentence what the program, service and personal needs are for each individual woman.

Members of the Task Force felt that future work needs to be done to develop a woman-based, interactive assessment model to be used for federally sentenced women.

How Can Planning be Most Effective in Creating Choice?

The importance of developing the skills and insights they need to gain self-esteem and autonomy was reported and identified by many federally sentenced women. Some form of planning was seen to be important to achieve these ends. However, much criticism was directed towards the current case management approach in that women did not feel they were a part of their own planning and were not encouraged at an early stage to take responsibility for their lives.

The research has also validated the commonly held belief that a very high proportion of federally sentenced women have very abusive backgrounds, and therefore, have the psychological and emotional needs resulting from such abuse. The relationship between these needs and the more practical socio-economic needs (vocational training, etc.) is fundamental. How, for example, can a woman learn to read when she is in psychological

---

[109] Chinnery Report, op cit.

[110] Needham Report, op cit.

distress? The Task Force concluded that only through a holistic approach can intervention be meaningful and effective. Such an approach is diametrically different from the case management strategies tool which not only priorizes needs but creates artificial distinctions between "types of needs". These distinctions are particularly meaningless in the "emotional needs areas", where emotional stability is perceived as independent of needs related to families, marriage and companions.

During the needs survey, federally sentenced women expressed their considerable support for the former National Liaison Worker (NLW) position. The NLW, an employee of the Canadian Association of Elizabeth Fry Societies, was funded by the Correctional Service of Canada to provide national, community-based, pre-release support for women in the Prison for Women. The contract, however, was terminated in 1987 because the Correctional Service of Canada felt that the NLW "duplicated" the work of the case management team.

Building on this information, the Task Force examined the possibility that case management or the planning function could be done most effectively by someone who is not a Correctional Service of Canada employee but rather an employee of a community-based group. If community support is an essential component for early release, then perhaps a community-based employee would be more appropriate.

The Task Force concluded, however, that a *team* approach to planning, where facility staff and community groups are jointly responsible for encouraging and assisting each woman to develop and manage a personal plan was the preferred approach. Within this approach, a Correctional Service of Canada staff-person would take the initiative and would be held accountable for developing and participating in an active and creative working team which would include the federally sentenced woman and one or more community workers.

Task Force members also believe that such a team approach will be most successful if it is built on a goal of equal partnership between correctional systems, community groups and federally sentenced women. This would reduce the difficulty associated with maintaining an equal partnership between staff and federally sentenced women. An external structure would also be able to provide specialized expertise on an "as required (and, therefore, cost effective) basis".

In surveying innovative correctional strategies reflecting this tripartite responsibility (federally sentenced women, Correctional Service of Canada and the community), the Task Force was struck by the similarity of objectives between the National Liaison Worker concept and the client-specific planning approach as developed by Jerome Miller[111] of the National Centre on Institutions and Alternatives, U.S.A. Within this latter model, the use of expert private sector workers to develop correctional and release plans, prevents an individual woman from getting lost in the "case management system"...a system which is

---

[111] Miller, Jerome, and Hoelter, Herbert, "There are Alternatives", American Bar Assocation, Update on Law-Related Education, Washington, 1982.

often unable to pay sufficient attention to the unique features of each individual case, or to develop creative alternatives based on full knowledge of the resources available in the community.

Finally, the Task Force members, through the consultations and research, summarized needs which must be addressed in order to move toward an individual planning approach. These needs include:

- the need to ensure that planning is based on the needs of the individual, not driven by the resources which are commonly available within correctional settings;
- the need to aggressively recruit or create new resources to meet the needs of individuals;
- the need for a comprehensive initial assessment which addresses the socio-economic and psychological context of each individual;
- the need to work in equal partnership with federally sentenced women;
- the need to ensure the individual planning approach is an integral aspect of the operational plan rather than a program or a function carried out by a particular individual;
- the need to ensure case management remains focused on people rather than on paper;
- the need to ensure that case management is actively oriented towards release; and finally,
- the need to ensure that case management is based on a holistic approach.

From Advisory to Action

Can Federally Sentenced Women have a Voice under the Current Organizational Structure?

In reviewing correctional and criminological literature, it is immediately apparent that almost all the attention is directed towards men in the criminal justice system. Members of the Task Force are very aware that in Canada there are approximately 12,500 men in federal penitentiaries compared to 208 women. Understandably, most of the resources and attention of Correctional Service of Canada are directed towards men. As discussed in earlier chapters, current correctional strategies are developed within a male orientation with subsequent adjustments or exemptions for federally sentenced women.

At issue for the Task Force in considering this reality, was the question of how effectively a new approach to the needs of federally sentenced women would operate within the current federal system.

Lee Axon has concluded in her analysis of correctional systems that the successful implementation of woman-based corrections is dependent on the appointment of a woman to a very high level management position, with the responsibility, status and authority to implement fundamental changes. It could be argued that this need was implicitly recognized in Canada as early as the *Ouimet Report*. In 1969, Ouimet recommended that a woman be appointed "to a position of senior responsibility and leadership".[112] In 1981, the Canadian Association of Elizabeth Fry Societies put forward a recommendation that a Deputy Commissioner for Women be appointed and that women be considered a sixth region. This recommendation, which was reiterated in the *Canadian Bar Association Report*[113] and referenced in the *Daubney Report*[114], suggests a general perception that the intent and underlying objective of the Ouimet recommendation has not been met - the male orientation continues to pervade correctional practices for women.

At present the Native and Female Offender Program Division, part of the Correctional Service of Canada headquarters, reflects this orientation. Its primary role is only advisory, both with respect to operational units, (specifically the Prison for Women), and in relation to other divisions with responsibility for relevant matters, such as Case Management and Community Release. In addition, this small division has a mandate which includes a variety of significant special needs groups so that the division cannot give federally sentenced women or any of the other special needs groups the attention they deserve. The division is also placed relatively low in the organization. Thus, while Correctional Service of Canada has implicitly acknowledged the need for a separate voice for women through the existence of the division, the ongoing disadvantaged situation of federally sentenced women suggests the ineffectiveness of the approach taken.

These organizational factors will become even more critical when the accommodation of federally sentenced women is fully regionalized (a central part of the Recommended Plan of the Task Force). Under such a system, the structure must be capable of ensuring that all the decentralized components function within the national framework for federally sentenced women, with a minimum of regional variances in fundamental areas, and that each component support and learn from the others. Without direct organizational relationships, the Task Force fears that each decentralized facility would be isolated within its home region.

The Canadian Association of Elizabeth Fry Societies and some other members of the Task Force believe that a new plan for federal women must be managed by a woman Deputy Commissioner in order to ensure the effective integration of the women-centered approach. This concept is difficult to envisage given the decentralized management style

---

[112] Ouimet Report, op cit.

[113] "Justice Behind Bars", Canadian Bar Association, op cit.

[114] Daubney Report, op cit.

currently utilized by the Correctional Service of Canada and therefore it will, along with other administrative options, require further discussion.

In addition to the requirement for internal administrative adjustments to support a new plan for women, Task Force members endorsed the establishment of a National Advisory Council which would advise the Commissioner of Correctional Services with respect to issues pertaining to federally sentenced women. This council would be drawn from Regional Planning Councils supporting each women's facility. The Solicitor General could appoint members in consultation with interested and expert community groups.

PRE-RELEASE AND COMMUNITY OPTIONS

Does our Current Release System Really Help Women Integrate into the Community?

Both our research and consultations suggest that there are inadequacies at almost every stage of the community release process.

The often great distances between a federally sentenced woman and her friends, family and home inhibit on-going contact with those supports. Great distances also cause administrative and financial problems around obtaining temporary releases to make the transition from home to community gradual and effective.

Women do not have adequate information about conditional release systems and do not understand the process of passes, day parole and full parole. This is particularly critical because of complex differences between federal and provincial release systems. For example, over half the women interviewed for a recent joint Correctional Service of Canada and National Parole Board study,[115] found that a high number of women did not know that federal legislation grants them an automatic hearing before the National Parole Board at their day parole eligibility date. Women also did not understand the process or the significance of waiving this review.

Federally sentenced women reported to the Task Force that they had difficulty obtaining information from Correctional Service of Canada officials about conditional release and often had to rely on other sources such as other prisoners or community groups for that information. Women also had difficulty learning what services are available in various communities... essential information for release planning.

Federally sentenced women in provincial institutions reported even less support for release planning, For example, the problem of obtaining needed information is even more pronounced for federally sentenced women serving their sentences in the provinces.

---

[115] Canfield, Carolyn, "The Parole Process and Risk Upon Release for the Female Offender", Prepared on contract for the Solicitor general, December 17, 1988.

Women also have fewer options to help them integrate into the community on release. In the system for men, it is common to grant a series of escorted. and then unescorted passes, to the community to which one wishes to return, so that success in limited community release can lead to something like day parole in a half-way house. These incremental steps help the Parole Board decide whether to take a chance on a full parole for that individual. However, for many federally sentenced women, the great distances and expense involved in being transported from their facility to their community, and the small number of halfway house beds for women, tend to inhibit this process.

Many halfway houses prefer to meet the individual first in the institution, and then during a weekend release, before deciding whether the person is suitable for their program. Again, the large distances between an institution and the releasing community make this sort of gradual release extremely difficult.

A further problem is that there are very few halfway houses which are geared to the needs of federally sentenced women. A woman who is a candidate for conditional release often has to choose between going to a community which is not near her home or continuing incarceration.

Women on conditional release tend to have a large number of problems to cope with, including children, child care and custody problems; making a living; finding decent affordable housing; finding appropriate health care; dealing with addictions and other problems.

These problems are exacerbated by the fact that federally sentenced women report that much of the training in institutions is not in fields where they are likely to find employment after release. Where it is in such fields, the equipment they work on (such as computers) is out-of-date, thus reducing their chances of getting and keeping a job on the outside.

In dealing with these multi-faceted problems, it is evident that women need support in dealing with the many services and agencies in the community that are available, and need assistance in finding other resources which they require. The great majority of women will eventually return to the community, and the way in which that transition occurs is integral to the safe and successful (re-)integration of the women into the community.

However, many communities do not have a coordinated approach for assessing and addressing the needs of disadvantaged women. A variety of federal, provincial, regional and municipal agencies may be involved in one or more parts of the puzzle. Community agencies, volunteer groups and individuals may also be involved. Often, however, the overall picture of availability and gaps in services for women is not collectively known, let alone evaluated and addressed. Community education concerning the needs and risks for women returning to the community is also not often present.

To expedite the (re)integration of women into the community, Task Force members agreed on five guidelines to promote planning for integration.

1. The experiences of the woman during the incarceration phase of her sentence should do as much as possible to prepare her for release and for the outside world which awaits her. There needs to be continuity between the services and programs offered in the facility and those offered in the community.

2. The woman needs to be sufficiently informed about the release system to make sound choices and release plans.

3. In order to ensure that the release plan is realistic, concrete and responsive to her risk and needs, community assistance, support and controls must be an integral part of the release plan.

4. The release decision needs to be based on a sound understanding of services available, the needs of women, and any limitations which might inhibit an effective response to these needs. Information and a full understanding of these concerns should be shared by the woman, by correctional officials and by community groups which will be supporting the woman throughout the release process.

5. The community portion of the sentence needs to be managed in a way which ensures all the elements necessary to successful (re-)integration.

The Task Force concluded that opportunities for community groups and individuals to act in advisory and service provision capacities both in the facilities and in the community, would form an additional link between the institution and the community to smooth the release process.

UNIQUE REALITIES

From After-thought to Alternatives

How Can the Aboriginal Perspective be Heard Clearly?

One of the central issues faced by the Task Force with respect to Aboriginal women was the discrimination within discrimination that is experienced by this group of federal women. This inevitably led to a discussion of the struggle by Aboriginal people for their own justice system within the context of self government. It was impossible for the Task Force to tackle this broad issue within its mandate, but acknowledgement of the struggle did result in a decision to approach Aboriginal concerns from two vantage points. Task Force members agreed that fundamental broader issues as seen by Aboriginal members would be addressed by them in their own way, in a separate chapter of the report. In addition, it was agreed that every effort would be made by the non-Aboriginal members to understand the Aboriginal perspective and to integrate this understanding, with support from Aboriginal

members, throughout the report. In this way, Task Force members hoped to lessen the "add on" or "after thought" mentality so often associated with minority or disadvantaged groups.

In order to gain understanding, Task Force members endeavoured to consult with Aboriginal communities but were not successful in this attempt. Time constraints, and a lack of knowledge about how to effectively link with these communities in their own way, contributed to this failure. The Task Force members did nonetheless, have the benefit of advice and input from many Aboriginal federally sentenced women, from numerous Aboriginal organizations and from several Elders. In addition, the Aboriginal research conducted by Fran Sugar and Lana Fox[116] contributed to our understanding of how to learn from women in Aboriginal cultures.

The voices from those Aboriginal people with whom we *did* consult were clear in their message. Just as we cannot tack women onto a men-oriented system of corrections, so we cannot tack Aboriginal women onto any system be it for men or women. Aboriginal prisoners, for example, told the Task Force of their need to be with other Aboriginal women, and to have free and wide access to the teachings and healings of their culture. They also spoke of the importance of keeping in touch with their families and communities. Added to this, Aboriginal groups stressed the need for the Task Force members to learn from the Aboriginal approach when planning new systems for women. They highlighted the holistic view of responding to women in difficulty, and indicated the strong need for improved cross-cultural training to address the lack of sensitivity and knowledge which blocks the ability to benefit from the strengths of Aboriginal cultures.

The Task Force members concluded from the many consultations held and also from the failed consultations, that it is not very realistic to think that non-Aboriginal people can develop and operate Aboriginal programs. The most non-Aboriginal women can do is to become sensitive to the issues so that they do not create unwitting obstacles to effective responses and to the facilitation of Aboriginal program development and delivery.

Should Aboriginal Women Have Their Own Facilities?

The Task Force on Aboriginal Peoples in Corrections[117] considered the issue of separate Aboriginal prisons, and concluded that the Ministry of the Solicitor General should decide whether an all Aboriginal institution is consistent with its policies. Part of the concern with this idea of a separate prison, proposed most recently in the 1984 *Carson Committee Report*[118], lies in the danger of creating an Aboriginal ghetto with a variety of

---

[116] Sugar, Fran, and Fox, Lana, op cit.

[117] Final Report of the Task Force on Aboriginal Peoples in Federal Corrections, Solicitor General, op cit.

[118] The Report of the Advisory Committee to the Solicitor General of Canada on the Management of Correctional Institutions, Ottawa, Canada, November 1984.

inappropriate security levels, at great distances from the home communities of Aboriginal prisoners. While the concept was not totally rejected by the Aboriginal Task Force, the conversion of existing facilities was seen as inappropriate.

The Task Force was sensitive to the above position, but moved further towards the view that a parallel, rather than an "add-on" approach is required when responding to the needs of Aboriginal women in prison. Concepts such as individual planning and holistic mental health services, for example, have meaning to Aboriginal people but they must be applied in their own terms. Two other elements worked in favour of pursuing a separate Aboriginal facility - the knowledge that a new accommodation plan for federal women would permit choice for women, and most importantly, the fact that the Aboriginal representatives on the Task Force put forward the idea.

This led the Task Force, on advice from the Aboriginal members to propose the establishment of a healing lodge somewhere in the Prairie Provinces, which would serve as a choice for incarcerated Aboriginal women. It was clear from the outset however, that this conclusion was only the conclusion of this Task Force. In order to be accepted, this idea must not only be embraced by the Correctional Service of Canada but must be developed by and connected to Aboriginal communities.

From Life to Living

There are currently 54 federally sentenced women who are serving sentences of twenty years or more. Detailed information on this group has not been collected, but it is probable that, like other such groups, they share only the common denominator of sentence length while differing in age, education, and other needs.

Although the Task Force did not have the benefit of a separate study on this group, research on long-term sentenced persons, including the summary in Lee Axon's report, suggested a number of critical areas to address.

How Can Staff Respond Effectively to the Needs of Lifers?

The Task Force heard from long-term federally sentenced women, both during the consultations and via the research. Many of these women expressed a preference not to be with others serving short sentences. Others indicated that often they have much in common with persons serving short sentences and expressed a reluctance to be segregated by sentence length alone. The Task Force linked this issue to the issue of the boredom which inevitably results from the monotony of living in the same environment for years, and concluded that its plan must offer some flexibility for movement between regional facilities to allow some choice in living arrangements for women serving long sentences.

Persons serving long sentences pass through a cycle of often overlapping stages: denial, mourning, rebellion, adjustment and socialization. The duration of each stage varies from woman to woman. Each stage presents a distinct set of needs. The Task Force concluded that it is essential for staff to be sensitized to these stages, and to provide appropriate resources and support for each stage.

It is not difficult to recognize that the debilitating effects of incarceration would be exaggerated for long-term sentenced women. The discussion on this issue re-affirmed the Task Force's premise that any plan it developed must reduce the potential for institutionalization and enhance the potential for responsible, normal lives for all federally sentenced women.

Providing opportunities for self-determination, the expression of individuality, and responsibility for day to day living are elements which are of only increased, not sole, significance to long term sentenced women. The Task Force also concluded that there must be opportunities for "careers in prison" particularly for long term sentenced women, and that these careers must represent meaningful employment which reflects as much as possible the reality of the outside world.

From Separation to Connection

How Can the Bonds Between Mothers and Children be Nurtured?

Two out of three federally sentenced women are mothers, who said they had primary responsibility for their children. Many of these women spoke of the intense pain and anxiety caused by the separation from their children and of their sense of powerlessness when their children are placed in foster homes. Federally sentenced women who chose to remain in their home provinces under Exchange of Service Agreements, told researchers they did so primarily to maintain regular contact with their children.

Currently, visiting policies differ from prison to prison. The cost of transportation, the willingness of foster parents to facilitate visits, the cost of telephone calls, are all factors that, despite written policy, greatly affect women's ability to maintain contact. With respect to infants, only two provinces enable women to keep their infants during the critical bonding stage.

The Task Force discussed the issue of mothers and children at length. Following its review of the available literature, the Task Force concluded this complex issue coiuld not be amply dealt with in the time available and that there is no one simple answer or formula. The Task Force recognized that the issue involves others besides the mother, the child and the Correctional Service of Canada. The extended family and child welfare agencies also have a role to play.

The Task Force further agreed that the environment at most of the current facilities for women in Canada is not appropriate for children.

Although the Task Force concluded that this issue deserves further study, it was decided that:

- new facilities must provide a home-like environment and sufficient flexibility to enable a child or children to live with their mother;
- decisions should be made on an individual basis;
- the Correctional Service of Canada should be the facilitator in the decision-making process, assisting and supporting the sentenced mother in her negotiations with the applicable child welfare agency.

The Task Force further decided that where a live-in arrangement is not possible, the Correctional Service of Canada must provide the necessary resources to enable regular and close contact between mothers and children.

CONCLUSION

In discussing each issue and dilemma, the Task Force members were confronted with the need to clarify their own principles in order to determine the "best" approach. These principles were then subjected to more intensive discussions which are reflected in the next chapter.

SECTION C

USING THE WISDOM TO BUILD THE FUTURE

CHAPTER X

PRINCIPLES FOR CHANGE

INTRODUCTION

The Foundation of these Principles

The principles for change from which the vision and recommendations of the Task Force grew, are rooted in the wisdom of the past as well as the realities of the present, and have been nourished by the hopes of Task Force members for broader justice and social reform in the future.

These principles echo the voices of federally sentenced women, of Aboriginal women and men concerned with the injustices endured by their People, of others who care about federally sentenced women, of researchers and of those who worked so hard on other task forces and committees to help make our justice system more effective, sensitive and fair.

These principles reflect the core values of the Mission of the Correctional Service of Canada, with its emphasis on individual dignity and rights, the potential for human growth and development, community input and participation, and the sharing of ideas, knowledge, values and experiences.

Toward a Longer-Term Goal

These principles also point to a longer-term goal, outside the mandate of the Task Force on Federally Sentenced Women. This goal, shared by members of the Task Force, looks toward social change which will reduce inequities in the ways people are treated, and the crimes which stem from these inequities. This goal looks toward a time when harm done to people will be repaired in creative, supportive, non-incarcerative ways. This goal looks toward a future in which all communities will take responsibility for the causes of and responses to inequality and suffering. This goal looks forward to a future in which Aboriginal people will once again have the right to create justice in their own ways.

As the Aboriginal women who conducted the survey of federally sentenced women in the community remind us:

> "No amount of tinkering with prisons can heal the before-prison lives of the Aboriginal women who live or have lived within their walls. Prison cannot remedy the problem of the poverty of reserves. It cannot deal with immediate or historical memories of the genocide that Europeans worked upon our people. It cannot remedy violence, alcohol abuse, sexual assault during childhood, rape and other violence Aboriginal women experience at the hands of men. Prison cannot heal the past abuse of foster homes, or the indifference and racism of Canada's justice system in its dealings with Aboriginal

people. However, the treatment of Aboriginal women within prisons can begin to recognize that these things ARE the realities of the lives that Aboriginal women prisoners have led. By understanding this, we can begin to make changes that will promote healing instead of rage."[119]

At the present time, legislative restrictions and societal attitudes prevent us from achieving our ideal. The Task Force members understand that legislative change must occur to allow for a more flexible and humane correctional system and that there will have to be parallel legislative, political and attitudinal changes before the long term goal can become reality.

Immediate Action is Also Needed

However, there is urgent need for action *now* to respond to the needs of federally sentenced women. There is urgent need *now* to create choices which will reflect the experiences and meet the needs of women. There is urgent need *now* to create choices which will reduce harmful actions in the future. We believe that the five individual principles which follow, and the overall statement of principle which ends this chapter, can provide strong direction for immediate action and can also light the way as we walk further down the path toward our ideal.

In articulating these principles, we recognize that we do not have "the answer". Our report and the principles which drive it are but one step in a process which must continue to evolve. Commitment to encouraging the evolution of this process is essential.

PRINCIPLE #1: EMPOWERMENT

What Do We Mean?

The inequities and reduced life choices encountered by women generally in our society, and experienced even more acutely by many federally sentenced women, have left these women little self esteem and little belief in their power to direct their lives. As a result, they feel dis-empowered, unable to help create or make choices, unable to help create a more rewarding, productive future, even if realistic choices are presented to them. This problem is exacerbated by the racism experienced by Aboriginal women.

Why is this Principle Important?

Research and the words of federally sentenced women have repeatedly stressed the connections between women's involvement in the criminal justice system and the inequities, hardships and suffering experienced by women in our society.

---

[119] p.4, Sugar, Fran, and Fox, Lana, in Survey of Federally Sentenced Aboriginal Women in the Community, January, 1990, Ottawa, Canada

Certainly there is continued evidence of high levels of sexism and racism in our country. Women in Canada working full-time, still earn on average just two-thirds of what men earn. The national poverty rate for families headed by women is roughly 39%, while the corresponding rate for men is 9%. On average, women's income declines 40% upon divorce while men's income rises by 70%.[120]

High levels of abuse against women in our society reveal the directly violent consequences of sexism. One in four women is sexually assaulted at some point in her life, half before the age of seventeen, and one million women are battered by their husbands or live-in lovers each year.[121] Among federally sentenced women, as research cited earlier revealed, the violence is even more prevalent. Sixty-eight per cent of the population of federally sentenced women interviewed last year (1989), said they were physically abused and 54% said they were sexually abused at some time during their lives.[122]

The inequities and abuse experienced by Aboriginal women in Canada are even more startling than the realities these general averages portray. For example, female lone-parenthood is almost twice as prevalent among Aboriginal families. And among federally sentenced Aboriginal women, 90% have been physically abused, and 61% sexually abused.[123]

Aboriginal women experience not only the injustices suffered by women generally in our society. They also suffer from the displacement and inequities which have been endured over many years by Aboriginal men, women and children.

The attitudes, barriers and suffering which are the consequences of sexism and racism erode the self-esteem of women in general. In addition, many women who are federally sentenced are among those women in our society who have suffered most from sexism and racism. Federally sentenced women typically are poorly educated, unemployed and have survived physical and/or sexual abuse. Their life circumstances, along with feelings of guilt, fear, anxiety, alienation and confusion which are often elicited when they are apprehended and sentenced by the justice system, combine to produce a group of women with extraordinarily low self-esteem.

---

[120] Statistics taken from p.5, Deschepper, Natalie, "Canadian Women in Conflict with the Law: Current Issues and Perspectives", a paper prepared for Status of Women Canada, July 28, 1989, Ottawa, Canada.

[121] p. 8 and p. 10, MacLeod, Linda, "The City for Women: No Safe Place", a paper prepared for Secretary of State, Canada, October, 1989, Ottawa, Canada.

[122] p.6 Shaw, Margaret, "Preliminary Results from an Institutional Survey of Women", a report prepared for the Task Force on Federally Sentenced Women, 1989, Ottawa, Canada.

[123] p.7 Shaw, Margaret, "Preliminary Results from Institutional Survey of Women", a report prepared for the Task Force on Federally Sentenced Women, 1989, Ottawa, Canada.

Low self-esteem reduces a woman's ability to cope. It increases self-destructive behaviour, so prevalent among federally sentenced women. It can contribute to violence against others. Low self-esteem reduces a person's ability to plan for the future, to take responsibility for her actions, and to believe that she can make meaningful choices that will help her live with respect and dignity.

Conversely, increased self-esteem augments the ability to accept and express responsibility for actions taken and future choices. Accepting and expressing responsibility for oneself promotes strength and good self-esteem, creating a constructive cycle of empowerment.

Increased self-esteem is interwoven with the ability of Aboriginal women to determine their roles, as Aboriginal people. Through consultations with Elders and other Aboriginal people, the Task Force members learned that to enhance identity and self-esteem among Aboriginal women, programs are needed which will increase access to traditional teachings, as well as access to counselling from Elders that will enable Aboriginal women to express their spirituality.

Increased self-esteem can reduce violence against self and others. Research has shown that violence is often linked to perceived loss of control over another person or over life conditions.[124]

Women in prison want programs to enhance self-esteem and empowerment. In the review of exemplary programs commissioned by the Task Force, a study of prisoners in Minnesota was summarized which reported that self-confidence/self-esteem training and development was one of the most highly rated needs.[125] Similarly, in consultations done for the Task Force, a great deal of importance was placed on the provision of programs designed to build self-esteem.[126]

PRINCIPLE #2: MEANINGFUL AND RESPONSIBLE CHOICES

What Do We Mean?

In order to have a sense of control over their lives which will raise self-esteem and empowerment, women need meaningful options which allow them to make responsible choices. These choices must relate to their needs and must make sense in terms of their

---

[124] Refer to MacLeod, Linda, Battered But Not Beaten, Canadian Advisory Council on the Status of Women, Ottawa, Canada, 1987.

[125] Finding reported on p.52, Axon, Lee, "Model and Exemplary Programs for Female Inmates, An International Review: Volume I, Report", op cit.

[126] p.34, Evans, Maureen, op cit.

past experiences, their culture, their morality, their spirituality, their abilities or skills and their future realities or possibilities. Meaningful and responsible choices can be provided only within a flexible environment which can accommodate the fluctuating and disparate needs of federally sentenced women.

Why is this Principle Important?

Flowing directly out of a need for empowerment is a need for increasing choices both for federally sentenced women and for those attempting to help and support federally sentenced women towards a more positive future.

The dependence on men, alcohol or drugs, and/or on state financial assistance which is a part of the lives of many federally sentenced women, has robbed them of the opportunity and ability to make choices. To break out of this dependent cycle, these women need to experience the success associated with making sound, responsible choices.

Federally sentenced women have very limited choices. Few training and support programs are available, work options are severely limited, and choices over place of incarceration carry heavy consequences. If a woman chooses to spend the incarcerative part of her sentence in a provincial institution, she may have few or no program, work and training options. But if she chooses to go to the Prison for Women, she may be so far from friends and family that she can anticipate seeing them rarely or never.

Federally sentenced women even have limited choice over diet and health care. Through consultations carried out for this Task Force, women said they want more control over their diet, more access to the outdoors and more choice concerning medical care.[127]

In the community, there are few options available to most women. More choices involving halfway houses, second-stage housing, programs, services and support are essential if women are to succeed on release.

Through real choices which make sense to them, women will gain control over their lives. Responsible choices are a part of building a life and learning how to survive on release. If the period of incarceration is a time in which to prepare for release, part of this preparation necessarily involves helping women deal with the pressures as well as the power of making choices. If opportunities for meaningful and responsible choices are provided, life inside prison will better mirror life outside, and so will provide a more realistic environment in which to foster self-sufficiency and responsibility.

---

[127] pgs. 42-43, Evans, Maureen, op cit.

PRINCIPLE #3: RESPECT AND DIGNITY

What Do We Mean?

This principle is based on the assumption that mutuality of respect is needed among prisoners, among staff and between prisoners and staff if women are to gain the self-respect and respect for others necessary to take responsibility for their futures. This principle is also based on the recognition that respect, in accordance with one of the guiding principles of the Mission Statement for the Correctional Service of Canada, "will accommodate, within the boundaries of the law, the cultural and religious needs of individuals and minority groups".[128] Spiritual needs, as well as cultural identity and practices, will be acknowledged as an integral part of the whole person, a part that cannot be ignored in seeking to rehabilitate and aid in the healing process of the body, mind and spirit. And this principle is based on the observation that behaviour among prisoners is strongly influenced by the way they are treated; that if people are treated with respect and dignity they will be more likely to act responsibly. Respect is related to the four principles of the Aboriginal way of life: kindness, honesty, sharing and strength.

Why is this Principle Important?

Correctional institutions in Canada have often been criticized for their tendency to encourage dependent and child-like behaviour among women.[129]

Women consulted for this report spoke of the seemingly arbitrary prison rules and regulations and how these rules humiliated them and contributed to their sense of powerlessness. Women said they are denied their need for privacy, quiet and dignity. Under these conditions, women reported feeling they have no rights or control. This feeling leads to an overwhelming sense of hopelessness and a total lack of motivation.

There is also a strong perception among women that, because there is little or no respect and dignity awarded to federally sentenced women, there is no real attempt to understand or respond appropriately to different racial, cultural and spiritual backgrounds. This is particularly important for Aboriginal women, since treating them with respect necessarily requires respect for their culture.

---

[128] p. 8, Correctional Service of Canada, Mission Statement

[129] For example, see p. 8, Axon, Lee, op cit.

PRINCIPLE #4: SUPPORTIVE ENVIRONMENT:

What Do We Mean?

Environment can best be understood in terms of a constellation of many types of environments...political, physical, financial, emotional/psychological and spiritual, especially for Aboriginal women. A positive lifestyle which can encourage the self-esteem, empowerment, dignity and respect for self and others so necessary to live a productive, meaningful life, can only be created in an environment in which all aspects of environment are positive and mutually supportive.

Why is this Principle Important?

The quality of an environment can promote physical health, psychological health, and personal development. The environments in which federally sentenced women exist are frequently inadequate physically, psychologically and spiritually. Women in prison have too little access to fresh air, to light, to adequate nutrition, to social interactions based on dignity and respect, to ongoing relationships with those important to them outside the institution and to spiritual and cultural practices and experiences. They are denied the privacy, quiet, dignity and safety which are so integral to an adequate quality of life. In the community, how much or how little assistance, advice and advocacy a woman receives can determine whether she will integrate in a functional or a dysfunctional way with her environment.

This principle builds on work in other areas and disciplines. It reflects the "healthy communities" concept now being promoted by Health and Welfare Canada, and being implemented internationally. This concept of environment stresses the interpersonal nature of environment. It stresses that the will of the people involved is the most important environmental resource. As such, it is closely linked to the previous principles of empowerment, choice, respect and dignity.

This principle stresses, through the interdependent nature of all aspects of environment, that equality of programming, environment, security, cannot be reduced to equality of treatment in the sense of "sameness" of treatment, but must be understood as equality of outcome. In other words, it is not enough to look at identical treatment as ensuring equality. Instead, a sensitivity to needs and experiences which ensures equality in terms of meaningful outcome, taking all aspects of environment into account, becomes the obvious basis for equality.

PRINCIPLE #5: SHARED RESPONSIBILITY:

What Do We Mean?

Governments at all levels, corrections workers, voluntary sector services, businesses, private sector services and community members generally must take responsibility as interrelated parts of society. This is essential in order to foster the independence and self-reliance among federally sentenced women which will allow them to take responsibility for their past, present and future actions. To make these sound choices, women must be supported by a coordinated and comprehensive effort involving all elements in society. This, as Aboriginal teachings instruct us, is a holistic approach.

Why is this Principle Important?

The holistic programming and multifaceted opportunities which support an environment in which women can become empowered, can only be built on a foundation of responsibility among a broad range of community members. Currently, because the Correctional Service of Canada has legal obligations for federally sentenced women, responsibility for federal women is too often narrowly assigned to correctional systems.

However, a narrow view of correctional responsibility encourages a narrow view of programming and residential options. It can blind planners to the many different communities which make up federally sentenced women and the broader society. Within correctional systems, choices are limited, women are not treated in culturally sensitive ways and too often, women are denied the opportunity to exercise the self-determination which will allow them to take responsibility for their lives.

In order to develop the support systems and continuity of service which will enable women to take responsibility for their lives, federally sentenced women must be integrated within their communities. To accomplish this goal, the responsibilities which federally sentenced women have for children and other family members in the community must be recognized and supported. In addition, volunteers and community groups can provide a vital link for women between correctional systems and communities. Further, all levels of government, business, voluntary sector and private sector groups must accept the responsibility to develop and implement, monitor and evaluate correctional options.

OVERALL STATEMENT OF PRINCIPLE:

It is the belief of the Task Force members that through active commitment to these five principles, the Correctional Service of Canada in cooperation with a broad range of other community members will create the choices needed to help move corrections in Canada closer to a community-based ideal. This is an ideal which recognizes and responds sensitively to the diversity of communities in Canada, and to the unique needs of individual

federally sentenced women. To further this ideal, the Task Force proposes the guiding statement of principle which follows.

The Correctional Service of Canada with the support of communities, has the ***responsibility*** *to create the* ***environment*** *that* ***empowers*** *federally sentenced women to make meaningful and* ***responsible choices*** *in order that they may live with* ***dignity*** *and* ***respect.***

CHAPTER XI

VISION FOR CHANGE

A FIRST STEP TOWARD OUR LONG-TERM GOAL

INTRODUCTION

The goal to implement concrete changes which create real choices for federally sentenced women is a challenging one.

Task Force members struggled with the difficult question of how to translate the long-term goal of social change, described briefly in the previous chapter, into immediate action recommendations. The Task Force members were convinced throughout the process that significant change is needed now. But how can immediate action possibly remain true to the fundamental changes which are so obviously needed?

The principles for change which we asserted in the previous chapter, can best be expressed through a plan which provides meaningful choices for women in the more immediate term, but which is set within a context that looks forward to long term fundamental change in the criminal justice system's response to women in conflict with the law.

It is our view that the recommended plan provides a blueprint for change in the near future, which is not inconsistent with the long term vision, but that takes a significant step along the path to fundamental change.

The Touchstone for the Recommended Plan

In our creation of the recommended plan, Task Force members used a constant touchstone, a kind of test or evaluation tool to ensure that the plan in fact helped move the long-term goal forward. Our test was expressed through the following questions.

a. Does this initiative, policy or program create choices for federally sentenced women as articulated in our driving principles for change?

b. How closely does this initiative, program or policy mirror caring responses for women in the community, including Aboriginal and other ethnic communities?

c. Does this initiative ensure that women are treated with respect and dignity? Does it empower women to take responsibility for their lives?

d. Does it "speak the truth and let the truth be heard"?[130]

By constantly referring to these questions, the Task Force members realized that no individual programs, or changes in the environment, could create choices built on the principles of the Task Force. It became obvious that a holistic plan was essential. A seemingly sensitive program within an environment which reduces the dignity and empowerment of women cannot be sensitive. An aesthetically beautiful environment staffed by people who do not respect the sentenced women loses its beauty.

The recommended plan proposed is designed to strengthen co-operative relationships among government and various communities. It is a plan that attempts to translate into action some of the principles embodied in the Mission of the Correctional Service of Canada. It is a plan that builds on the commitment to equality and justice and the caring that exists in the community, in service organizations, at the political level and in the correctional system.

In response to this shared commitment to equality, justice and caring, Task Force members created a holistic plan which embodies the principles of empowerment, meaningful choices, respect and dignity, supportive environment and shared responsibility. However, to ensure that it remains true to our touchstone, it is a plan which must be seen, assessed and implemented in its entirety. Isolating parts of the plan, and adopting or rejecting these parts without seeing their vital interrelationship to the whole, would destroy the integrity of the plan.

For this reason, *the Task Force members ask you to consider the plan that follows as a single recommendation.*

THE RECOMMENDED PLAN

Overview

Regional Women's Facilities

There will be five Regional Women's Facilities across Canada operated by the Correctional Service of Canada.[131] These facilities will be located in or near Halifax, Nova Scotia, Montreal, Quebec, central/south western Ontario, Edmonton, and the lower mainland of British Columbia. These facilities will house federally sentenced women for the portion of their sentence which must, under current law, be served in a penitentiary.

---

[130] p. 1 of a letter written by Linda Jordan, Speaker, Native Women's Association of Canada, January 15, 1990, presenting a report entitled "Survey of Federally Sentenced Aboriginal Women in the Community", written by Fran Sugar and Lana Fox for the Task Force on Federally Sentenced Women.

[131] The Task Force does not project a requirement for a Regional Women's Facility in British Columbia unless the Burnaby Agreement fails to meet the underlying principles of the Task Force plan.

Aboriginal Healing Lodge

A Healing Lodge where Aboriginal federally sentenced women may serve all or part of their sentences, will be established in a prairie location. Potential locations must be sought out by Aboriginal communities. The location finally chosen must be acceptable to both Aboriginal communities and the Correctional Service of Canada. The connection of the Lodge to an Aboriginal community will be essential to its survival.

The development of the Lodge will draw on the expertise of Aboriginal women.

Community Release Strategy

There will be additional community release centres for women in more communities across Canada. These centres will include traditional halfway houses, Aboriginal centres, satellite units, home placements, addiction treatment centres, and multi-use women's centres.

The community release centres will offer a wide variety of programs and services to women who no longer need, or are legally required to be held in, closed custody.

Detailed Description

Regional Women's Facilities

Design

The new style facilities will utilize all environmental factors known to promote wellness. These will include natural light, fresh air, colour, space, privacy, and access to land. The design will also incorporate small cottages, independent living areas and non-intrusive security measures.

The five Regional Women's Facilities will be built on several acres of property, each in harmony with the land on which it is placed.

Federally sentenced women will initially go to the Regional Women's Facility in the region where they were convicted and sentenced, but there will be provision for transfers to another regional facility for personal or program reasons. There will be provision however for Aboriginal federally sentenced women to choose to go directly to the Healing Lodge.

The Central Core

There will be a central core building where offices for administration, staff and prisoners' groups are located. There will be flexible program space which will be utilized for group activities of varying sizes, for recreational and social activities. Dedicated space will be available for spiritual gatherings.

The Living Area

Women will live in one of several cottages on the property. The regional facilities will not all be the same size and the number of cottages will vary between facilities and over time; firstly, because the size will reflect the size of the regional population and secondly, because the effective implementation of community strategies should, over time, reduce the need and length of stay in these facilities.

Each cottage will house six to ten women each of whom will have a single bedroom. Each cottage will include communal living space, a quiet room for study and relaxation, a kitchen, bathrooms, a utility room, a staff office, a yard with a play area for visiting children, garden space, and a veranda or patio.

The number of staff in each cottage will be determined by the needs of the women living in the cottage. For example, a cottage designated for long term prisoners who have settled into the routine of their sentence will likely need a very low level of staffing or security, whereas a cottage designated for prisoners who are unsettled or display signs of disturbance will require a much higher level of staffing and support.

Some of the cottages will be designated for special use. For example, a cottage might be reserved for a group of women actively working on the problems associated with addiction; another might be designated for women who are nearing the end of their sentence and require a very high level of independent functioning before being transferred to a community release centre; one might be for Aboriginal women who choose not to be at the Healing Lodge but who wish to live according to their Aboriginal spirituality and traditions; yet another might be for those who are especially high risk or high need and require high levels of staffing, support, counselling and other aspects of dynamic security. Each facility will designate the specific or general use of each cottage depending on the women who are there at any given time. Self-sufficiency and choice in the management by the women's daily living activities will be fostered in the cottage setting.

Staffing

All staff working in a Regional Women's Facility must be sensitive to the issues that face federally sentenced women and responsive to their needs.

Comprehensive recruitment criteria will allow staff to be selected from a wide variety of backgrounds and educational traditions. Mandatory training for staff in all positions will emphasize counselling, communications and negotiation skills and will also include training focused on sexism, sexual orientation, racism, Aboriginal traditions, spirituality, as well as issues relating to power and class. Opportunities will be provided to staff to maintain contact with other regional facilities and to benefit from relevant developmental training in the larger community.

There will be staff working in the programming, administration and living areas of each facility. Their primary responsibilities will be to provide positive interaction, to be role-models and to support wommen's efforts to develop self-esteem and self-reliance.

Staff will have a high level of responsibility for identifying problems, providing support, and developing and utilising effective intervention techniques for women who are in crisis.

Assessment Cottage

Each woman will be encouraged at the earliest possible point in her sentence to take responsibility for her life and her criminal activity. When she is able to confront her situation objectively, she will then participate in the development of a personal plan that will provide her with the skills, strengths and insights she needs to be released to a community residence at the earliest possible date.

A staff member will be assigned to each woman as her primary Support Worker. At the same time, an individual resource person from the community will be assigned, in consultation with the woman, as her Community Worker.[132] This latter individual will be recruited from the community sector. The woman will work closely with her Community Worker and her Support Worker[133] to develop her personal plan which will identify her needs, and the resources available in the facility and in the community.

All assessment will be done on woman-based criteria and in a personalized way. The assessment phase will provide an opportunity for a woman to come to terms with her sentence, address urgent health and psychological needs and recover from any traumas in her life.

During the assessment phase, and throughout the woman's stay at the Regional Women's Facility, the Community Worker will also work to ensure that positive ties with family and community are maintained and strengthened in preparation for release.

The woman, the Primary Support Worker and the Community Worker will work as a team to ensure that the woman is able to carry out her personal plan and adjust it as necessary. Both Workers will be responsible for seeking out and including in the process, persons with specialized expertise which may be required or requested by the woman.

---

[132]. See section on Community Strategy, p. 147 for further details.

[133] Ibid

The assessment period will vary in length and may take several months. When the woman has identified her needs, developed and approved a personal plan and is ready to implement her plan, she will move to another cottage or to the Healing Lodge, unless she went directly to the Healing Lodge upon sentencing.[134]

Programs

Each facility will be program driven. A holistic approach will be taken both in developing programs and in encouraging program participation. The Regional Advisory Council[135] will ensure that programs reflect the needs and wishes of groups of women or of an individual woman. Programs will be provided largely by community groups or agencies or by the appropriate provincial authority. If a high quality program or service is available and accessible in or from the community, and, consistency and continuity of service can be assured, the facility should not be providing a duplicate service. For example, education will, wherever possible, be provided by the local Board of Education, Community College or University; health care will be provided by local doctors, dentists, healers or other health care professionals. However, certain programs, such as the provision of twenty-four hour crisis counselling, may be best delivered through the in-house Support Workers who will know each woman well and who will be available around the clock.

Although each facility will provide programs based on identified needs, it is expected that the following programs will be required on an on-going basis in all facilities:

Individual Counselling and Groups

For those women who, in their personal plans or later in their sentences, identify personal life experiences which they need to address, one to one counselling and specialty groups will be available. It is expected that incest survivor groups, family violence groups, living skills, and stress reduction and relaxation groups will be identified as necessary. One to one, confidential, personal counselling will be available both on a planned and an emergency basis.

Individual and group counselling will be provided, largely by community groups or individuals who have expertise in the identified area. The Community Worker will ensure that programs continue to be available during the community release portion of the sentence so that continuity of programming is achieved.

---

[134] See section on Healing Lodge, p. 144, for further details

[135] See section on Community Strategy, p. 147, for further details with respect to the Regional Advisory Council.

Health Care

A group of local health care professionals, or a women's health clinic, will be made available for the women to consult, based on their personal choice. These groups or clinics will be under contract to Correctional Service of Canada for payment but will be bound by community standards in matters of privacy, professionalism and confidentiality.

Consultation with a doctor will primarily be through the use of escorted or unescorted temporary absence passes. Only where this is not possible, would the doctor selected attend at the facility.

If a woman is unable to work or participate in her usual daily routine due to illness, she will be allowed to take a sick day and remain in her cottage to recover with no punitive consequences. If a woman requires hospitalization, this should take place in the community save in exceptional circumstances. These standards also apply to women who have sustained self-inflicted injuries or who are self-abusive. At no time will a medical condition give rise to punitive sanctions.

Mental Health Services

Both long term and crisis intervention mental health services will be provided by a multi-disciplinary team made up of psychologists, psychiatrists, alternatively trained counsellors, and healers. Members of this team will be available, under contract to Correctional Service of Canada, to provide long term therapy, individual and group counselling and treatment, crisis intervention, training, and a full range of services. All mental health services provided to the women will meet community standards for confidentiality and quality of service.

The need of disturbed individuals for a stable environment and familiar surroundings will be recognized by allowing women to remain in their own cottages while receiving the necessary psychiatric care and support.

Women who are severely psychotic or certifiable will be referred to a local provincial mental health centre so that they may receive comparable service to that generally available in the community. The multi-disciplinary team referred to above, will work closely with the local mental health centre or psychiatric hospital to ensure that high standards of care are provided and that the special needs and issues pertaining to the mentally ill federally sentenced woman are understood and met by hospital staff.

Addiction Programs

There will be a variety of addiction programs offered in each facility. These programs will be varied enough to meet the needs of the varying addictions and to provide a range of approaches to therapy. In particular, there will be recognition that substance abuse is often a response to underlying and unresolved personal experiences. For Aboriginal women,

a recognition that any approach must be holistic, including the teaching of Aboriginal spirituality and traditions, will be essential.

One cottage may be set aside for those women who have decided to make dealing with their addiction a priority in their personal plan. This will enable the creation of an environment conducive to working through the problems underlying addiction as well as the substance dependency itself.

Family Visiting

Every Regional Women's Facility will have a Visiting Cottage. This will be a cottage comprised of one or more self contained living areas of varying sizes. Any woman will be allowed to spend time here with visitors who are identified as valuable and positive personal friends and family. If, for example, a woman is fully employed in the vocational training program, she may choose to take a week or two of her annual holiday to spend time with family and friends in the Visiting Cottage. Or, if there is some special celebration in her life, she may choose to arrange her family visiting time around an important event.

Mothers and Children

The most important aspect of this program is the opportunity for mothers and children to live together based on the rights and needs of the children, mothers and significant others in each individual case. Each Regional Facility must provide an appropriate environment to enable a child or children to live with the mother. There should be sufficient flexibility so that this live-in program could take place in either one of the residential cottages or the Visiting Cottage.

Any woman who identifies continuing responsibility for her children as an element of her personal plan will be offered a variety of child oriented programs. These will include parenting skills; parenting at a distance; communications skills; and child development.

If children must be placed in foster care as a consequence of their mother's incarceration, the Community Worker will negotiate with the appropriate child welfare agency to develop specialized foster homes close to the facility so that visits between mothers and their children can be frequent.

If family members or significant others take responsibility for primary child care during the time of incarceration, the Correctional Service of Canada will provide the necessary funding to enable them to bring the child or children to visit their mother at regular intervals and for varying lengths of time. Where there are older children who are able to travel alone, funds provided by Correctional Service of Canada will be available to allow these children to travel and spend time with their mothers on a regular basis.

Spirituality and Religion

Each regional facility will ensure that all women have the choice of spiritual expression and access to the spiritual and religious resources they require through the guaranteed presence of a spiritual motivator. The spiritual motivator will be a committed, empathetic individual who may or may not be ordained. The motivator will provide women with the choice to fulfill their spiritual needs, and will attempt to respond to the "total person" by recognizing and addressing the fact that there may be ancillary needs and issues such as employment concerns, life skills, and general coping skills which can potentially affect an individual's spiritual health and development. The spiritual motivator will be chosen with sensitivity to the fact that the federally sentenced women traumatized through sexual abuse and physical violence by men often have trouble trusting or relating to men, and need a resource person with whom they can feel comfortable to explore their spirituality.

The spiritual motivator will focus on developing one-to-one relationships of trust with the women, and will seek out, at a woman's request, community-based spiritual or religious advisors to help that woman explore her spirituality, or practice her chosen religion.

The facilities will also include physical resources to promote spiritual expression. "Quiet rooms" will be provided for spiritual retreat and meditation. Inter-faith and spiritually-based music and videos will be available. Materials on sexual assault, incest, wife abuse and other relevant issues can be provided, and may be addressed through support and counselling by the spiritual motivator or through referral to a community resource. In addition, chapel services and rap sessions to promote discussions involving spirituality will be provided.

All staff at the facility will be given education and awareness training both to ensure that the importance of the spiritual dimension in the development of empowerment and responsibility is fully recognized, and to maximize the potential for referrals and access to programs and services which will respond to the women's spirituality needs. Through choices which give life to spiritual growth, women will be encouraged to develop respect for each other and sensitivity to the needs and rights of others.

Aboriginal Programs

Each regional facility will provide and allow for the provision of Aboriginal programs and services. These would include unrestricted access by Elders, indoor and outdoor space for ceremonies and gatherings and dedicated space for a sweat lodge.

Native studies courses will be facilitated by contracts with Aboriginal communities and organizations. Some staff will be Aboriginal and all staff must be sensitive to the spirituality and cultural priorities of Aboriginal prisoners.

Education

All levels of education will be accessible to all women in each facility. Basic literacy training will be available through a variety of teaching strategies.

Adult basic education up to Grade 12 will be provided by an appropriate educational authority, in order to support each woman in her educational ambitions.

Community College, University and other post-secondary education will be provided to those women who request it and participation to the fullest possible extent will be facilitated.

Vocational Training

Each Regional Women's Facility will have a vocational work program. This program will be developed by the Regional Advisory Council in co-operation with local business interests, wherever possible, and will provide vocational training to women both within the institution and in the community.

A business will be developed to provide employment training in several areas such as trades, marketing, business management, clerical work and administration. Women would apply for employment in the program. They would, if successful in their application, commence work training, or, if unsuccessful in their application, they would focus on acquiring the skills (e.g. education level) necessary for the job they were seeking and then re-apply.

The vocational programs must be as close as possible to a normal working environment and will include all the usual employment standards and benefits.

Women who are serving long sentences will have the opportunity to work their way up to supervisory or training levels and, in so doing, be provided with meaningful, long-term employment.

Other positions which provide realistic work placements will be available to qualified prisoners within the facility. These will include administrative and other skilled jobs.

Recreational/Leisure

Each facility will emphasize the importance of exercise and will provide staff who will actively encourage and facilitate participation by all women. Recreational facilities will include both open air and indoor exercise areas where team, group and individual activities can take place. For any facility where recreational space cannot be built on site due to expense, community recreational facilities must be made available through the use of temporary absences.

Indoor recreational areas (such as workshops, computer rooms, craft rooms and libraries) will also be provided.

Volunteer Involvement

Local community groups will be encouraged and funded to facilitate active participation of volunteers in the Regional Women's Facilities in as many programs as possible. Local women's groups should be actively pursued to recruit appropriate volunteers. Funding will be particularly crucial to the success of volunteer involvement, especially in the areas of enabling broad community involvement in the facility, fostering community responsibility for the facility and providing important community connections for women being released from the facility.

Adding to its numerous advantages, volunteer involvement will also provide important social and intellectual variety for women serving long sentences.

The Aboriginal Healing Lodge

This section of the recommended plan was developed in consultation with Aboriginal members of the Task Force Further changes may evolve from continuing consultation within Aboriginal communities during the implementation stage of the Report.

A Healing Lodge will be established in a prairie location. Potential locations must be sought by Aboriginal communities, not the Correctional Service of Canada. The location eventually chosen must be acceptable to both Aboriginal communities and the Correctional Service of Canada. The connection of the Lodge to an Aboriginal community will be essential to its survival. The development of the Lodge will also require the expertise of Aboriginal women whose input will be facilitated through the establishment of an Advisory Council to the Correctional Service of Canada for this initiative. Overall responsibility for programs for Aboriginal women will be given to the Elders Council in each region.

The Lodge will be premissed on principles which promote:

- a safe place for Aboriginal women prisoners;
- a caring attitude towards self, family and community;
- a belief in individualized client-specific planning;
- an understanding of the transitory aspects of Aboriginal life;
- an appreciation of the healing role of children who are closer to the spirit world;
- pride in surviving difficult backgrounds and personalexperiences.

Design

A circular design will define the Lodge's structure, and will compliment the surrounding natural environment. The Lodge will contain a central round meeting room to act as a focal point for ceremonies, teachings, workshops with Elders, etc. The Lodge will also contain an apartment, available on a rotational basis to the Elders, teachers and healers involved in key aspects of the Lodge's activities. A daycare centre will provide on-site opportunities for women to be with their children.

Accommodation options for women at the Lodge will include communal living areas, family living units, and opportunities to live close to the land.

Assessment and Case Planning

All Aboriginal federally sentenced women will have the opportunity to serve their sentences at the Healing Lodge and they will be made aware of this option through the outreach initiatives of a Community Worker. This individual will make contact with women during the sentencing period prior to their transfer to the federal system, or later at a Regional Women's Facility. It is recognized that some Aboriginal women may choose not to serve their sentences at the Healing Lodge, and that others may go there for all or part of their sentences. Accordingly, transfers between the Lodge and the Regional Women's Facilities will be arranged.

Assessment will be conducted at the Healing Lodge with high participation from women and will be tailored to individual needs in a manner that is relevant to Aboriginal women.

Elders

Elders and other teachers and healers will be critical to the successful operation of the Healing Lodge. A minimum of one Elder will be available at the Lodge on a full-time basis; however, the position will not always be occupied by the same individual. A rotational position would accommodate the needs of women from different nations, and the four directions, and would provide a variety of necessary spiritual expertise to the women (i.e. Shaman, Medicine Person). Spiritual helpers will also be acknowledged in the healing process, with the understanding that sometimes these helpers will be women serving sentences themselves.

Programs

Programs will be based on a holistic approach to the needs of federally sentenced Aboriginal women, including, most importantly, the need to address issues associated with health, with sexual, physical and emotional abuse, with relationships and with substance

abuse. An outreach program will facilitate the transition to "walking in the new forest"[136] by providing community-release preparation in the areas of education, vocational training, employment and life skills. The outreach component of the Lodge will also provide a link to the larger Aboriginal community, as well as a city-based satellite of the Lodge, which will accommodate women under community release supervision. Women will be given opportunities to maintain contact with their children, and will be given positive role models as well as opportunities to share life experiences by staff and other women who will assist in developing parenting skills.

The outreach aspect of the Lodge will also support a minimum of one Community Worker who will establish linkages to Aboriginal women both entering and leaving the correctional system.

Administration and Staff

The Healing Lodge will be administered to the largest extent possible through a non-hierarchical model. There will be a co-ordinator who will have certain responsibilities to other Correctional Service of Canada officials. However, this individual will also have responsibility to liaise and work co-operatively with the Elders' Council, the Aboriginal community and the women. The focus of all these relationships will be based on a sharing of expertise, and an exchange of learning instead of on a fixed structure of reporting relationships.

Staff selected to work at the Healing Lodge will be Aboriginal and will be recruited with high emphasis on their life experience and their ability to act as positive role models for the women serving sentences. There will be a place for professionals in the Healing Lodge, but this role will be supportive rather than central to the leadership of the Lodge. Non-Aboriginal staff may be recruited from time to time in a support role for specific skills and expertise. Staff at all levels must have the ability to live the example of what they are teaching.

Community Strategy

Development of a Personal Plan

As noted under "Assessment Cottage", on admission, each woman, with the assistance of her Support and Community Workers, will develop a personal plan focused on release at the earliest possible point in her sentence. The presumption will be that she will be released on her day parole eligibility date. As she moves closer to her release eligibility date(s), the plan will be reviewed, adjusted as necessary, and community resources lined up

---

[136] Surviving in the forest is traditional knowledge for aboriginal people. Cities are the "new forest" and the teaching of skills to survive in the "new forest" will be an integral part of the Healing Lodge.

in a detailed plan for release. This personal release plan should be provided to the National Parole Board for review and, if possible, endorsed in principle, prior to the eligibility date.

Community Worker

This Worker will be a key link between the individual woman and her community. The duties of the Community Worker include facilitating communication and contact between each woman and her family, friends and partner as well as the community resources required by each woman. The Community Worker acts as a facilitator for the woman, with community resource agencies and individuals, and the Correctional Service of Canada. The Community Worker, the woman and her primary Support Worker form a team at the Regional Women's Facilities. Following release to the community, the Community Worker becomes a member of the Community Support Team.

Community Support

The Community Support Team will be made up of the woman, an advocate from a community group, the Community Worker, the Release Worker as well as any ancillary support individuals she requires, such as Elders, psychiatrists and child care workers. While the Release Worker will be responsible for the supervisory functions as legally mandated, the Support Team as a whole is responsible for ensuring that the woman is provided with the services she requires as specified in her personal release plan, and will pro-actively support her in her dealings with resource agencies. The membership of the team should be flexible enough to take into account each woman's needs, her personal preferences and the length of her sentence. For example, where the woman is Aboriginal, the Community Support Team should also be made up of as many Aboriginal people as possible.

Regional Advisory Councils

Regional Advisory Councils will be established in association with each Regional Women's Facility to advise the Correctional Service of Canada on programming and services both in the facility and the community.

Councils will evaluate existing programs, identify gaps in services and recommend additional programs and services. They will also monitor the continuity of programs between the facility and community and make recommendations on how continuity can be improved.

The Regional Advisory Councils will sponsor regular needs analyses for women in their home communities for both federally sentenced women and women in general. The objective of such analysis is to ensure existing services continue to meet needs and identify new services required. For the latter, the Councils will be responsible for developing a plan to establish such services in cooperation with all levels of government and the community itself.

Finally, Councils will play an educative role in their local communities so that the Regional Women's Facility and the women released from it are seen as an integral part and a responsibility of their community.

Community Release Centres

A wide variety of Community Release Centres will be developed by community groups, and other interested agencies. The location, structure and services offered in the Community Release Centres will reflect the needs of the federally sentenced women they serve. The environment in each Community Release Centre will be conducive to growth, healthy living and the development of self-esteem and self-empowerment. Cultural differences will be respected. Emphasis will be placed on personal choice, with the overall goal of living with dignity and self respect in the community at large.

While living in a Community Release Centre, each woman will continue working on her personal plan by using the programs, services and opportunities in the community. Community Release Centres will provide varying levels of structure, staffing and internal programming based on the needs of their residents.

Given the lack of information on federally sentenced women in the community, the following is not intended to be an exhaustive list of Community Release Centres but merely provides some suggestions to be explored further,

Halfway Houses

There will be halfway houses for women across Canada located according to regional needs. At a minimum, they will be located in Halifax, Newfoundland, Montreal and at least one other Quebec location, northern Ontario, central/southern Ontario, Winnipeg, Saskatchewan, Edmonton, Calgary, Vancouver and northern British Columbia. These halfway houses will vary in size depending on the size of the community and the size of the local Regional Women's Facility. They will be run by community based agencies through contracts with Correctional Service of Canada.

Halfway houses will be available for women on any form of community release. Some will allow women to live with their children.

Aboriginal Centres

These will be located in areas where Aboriginal communities and groups identify need and support. It is anticipated that some of these centres will be located in the prairies and in the territories. They will be organized and run by Aboriginal groups or communities through contracts with the Correctional Service of Canada and will be available to women on any form of community release, including specialized programming.

It is anticipated that the Aboriginal Healing Lodge will sponsor second stage and satellite centres for Aboriginal women who are ready to leave the Lodge.

Satellite Units

There will be a variety of Satellite Units, such as independently maintained apartments, for women who are still on community release but who are able to live with a great degree of autonomy. Each Satellite Unit will be associated with a staffed Community Release Centre so that staff and increased structure are available should the need arise. Satellite Units will be located according to need, both in urban and rural settings.

Home Placements

Specialized and approved home placements will be developed for those federally sentenced women who are on community release but whose needs cannot be met in group living situations. It is anticipated that home placements will provide structure and care for women with special needs, for example, those who are disabled or from isolated communities.

Addiction Treatment Centres

Specialized residential Addiction Treatment Centres will be established which will provide addictions programs covering a range of approaches to substance abuse. It is anticipated that some will be women-centered, others based on Aboriginal traditions and yet others run according to conventional lines. These will be short or medium term release placements for women who wish to follow up on the treatment they received in the Regional Women's Facility or Healing Lodge before moving into a more generalized placement.

The Addiction Treatment Centres will also be run by community agencies and groups under contract to Correctional Service of Canada although it is anticipated that they will also enter into contracts with provincial corrections and other similar government agencies to provide services to a wide range of women.

Multi-Use Women's Centres

These centres will be utilized in recognition that federally sentenced women share many characteristics with women who are not in conflict with the law. For example, those who wish to deal with issues of family violence may choose to be placed in a centre that deals with family violence in the community. These placements will be funded on an individual contract basis as the need is identified.

Mixed Group Housing

Accommodation for federally sentenced women can be combined with housing for other groups who are not in conflict with the law. For example, a house in an urban area may

provide accommodation for women on community release as well as students who would pay a minimal rent. The combination of such groups would provide all residents with a unique environment for growth and development for both groups.

Mothers and Children Centre

Specialized accommodation could be provided for women who wish to continue or re-establish relationships with their children. Support services focused on fostering good relationships between mothers and children could enable mothers to resume family responsibilities while serving the community release portion of their sentence.

CHAPTER XII

MAKING THE VISION REAL

IMPLEMENTATION STRATEGY

The Vision for Change embodied in the recommended plan represents a comprehensive approach for responding to the needs of federally sentenced women in Canada. It represents a departure from traditional corrections on a number of fronts, but it provides an attainable and realistic approach to the longstanding problems faced by this particular group of women. The Plan is consistent with the Mission of the Correctional Service of Canada and reflective of the concerns and perspectives of a variety of community and Aboriginal groups.

In order to implement this Plan, the Correctional Service of Canada must proceed with the view that action on all components of the Plan is required *immediately*. Although the Task Force has, under separate cover, made a number of recommendations for immediate change at the Prison for Women, it must be made clear that these very short term measures must be implemented in conjunction with parallel activity on the recommended Plan. Immediate action must not substitute for or delay action on the total recommended plan. Of equally critical importance, the principles, premises, and spirit on which the plan is based, must not be lost while converting the Plan to concrete reality.

In order to fully achieve these implementation objectives, the Task Force recommends that the Commissioner establish an externally based implementation committee which would report directly to him on this major initiative. This committee should be *small* in order to be responsive and action-oriented. It should be comprised of a federally sentenced woman as well as representatives from the Canadian Association of Elizabeth Fry Societies, an Aboriginal Women's Caucus and Status of Women Canada.

In addition, the Task Force recommends the creation of an Aboriginal Advisory Council to provide assistance with respect to the development of the Healing Lodge. The membership will be drawn from the Aboriginal Women's Caucus and representatives of the Aboriginal Women's community who have demonstrated an involvement in the issue. A direct line of communication will be open to the Commissioner of Corrections. It is recognized that Aboriginal communities must provide the leadership for all Aboriginal initiatives. This Council will provide that vital link to Correctional Service of Canada.

Furthermore, it is recommended that the Correctional Service of Canada establish a very senior management position for the sole purpose of implementing the plan. The senior manager must be assigned adequate resources since the recommended implementation timeframes demand parallel action on all components, from facility design to staffing policy to program development.

Through these three recommendations, the Correctional Service of Canada can signal *a concrete and committed expression of its intent to act comprehensively and quickly.*

With respect to a timeframe, the Task Force recommends the following targets, which need to be detailed as part of implementation planning:

- that the planning and construction of the Regional Women's Facilities be completed during fiscal year 1993/94. This requires that the plan be submitted by the Correctional Service of Canada for Treasury Board approval in the fall 1990 Capital Plan.

- that with respect to the Community Accommodation Option, the target for the opening of some new Residential Facilities for women should be fiscal year 1991-92. Resource estimates therefore, must be incorporated into the next Correctional Service of Canada budget submission to Treasury Board.

The Aboriginal Healing Lodge requires its own timeframe. It is a new concept and a matter of utmost urgency. Its implementation requires extensive meaningful consultation and negotiation with Aboriginal communities. The Lodge must be connected integrally to Aboriginal Communities.

Financial approvals for the Healing Lodge must proceed at the same time as financial approvals for the Regional Facilities accommodation plan because of the importance of the Healing Lodge to the overall plan.

In summary, the Task Force members support an implementation approach that is holistic, pro-active and reflective of the partnership which created the vision.

CONCLUSION

"The time for ACTION is NOW!" has been the unifying cry of the Task Force on Federally Sentenced Women. The conviction that fundamental change in our treatment of federally sentenced women is needed *now*, that it is finally possible, has energized Task Force members, empowering them to create a vision which offers renewed hope.

This creative vision is founded upon voices. The federally sentenced women who shared their experiences, and the many others in communities across Canada who wrote submissions and talked to Task Force members, spoke eloquently of the need for a deeper understanding of the lives, the crimes, the pain, the needs and the hopes of federally sentenced women. They urged a more woman-centered approach. They spoke of new solutions based on meaningful choices. They spoke of shared responsibility between governments, federally sentenced women and the community, both for the harm done through the crimes committed by women under federal sentence, and for preventive solutions to reduce further suffering.

Many are impatient with the time, expense and energy that has been devoted to looking for solutions in the past with little movement toward change. Much of the information gathered by this Task Force has simply repeated or amplified facts and revelations from previous studies, task forces and commissions ... ideas which have never been acted upon in a comprehensive, meaningful way.

However, this Task Force stands alone because it took old findings and new perspectives and went beyond them. Through the sometimes rewarding, sometimes difficult Task Force process, through the struggle to truly listen to disparate and even contradictory viewpoints and demands, through a constant return to the voices of federally sentenced women, we moved beyond confusion and impotence, to creative, dynamic and holistic solutions. We created an alternative based on *choice*.

The Task Force report is grounded in the principles of empowerment, meaningful choices, respect and dignity, shared responsibility and a belief in supportive environments. It recognizes that in creating choices we must never forget to respect the dignity, rights, needs and hopes of women. It is built on the acceptance of responsibility by the women, by the justice system, by governments and by communities. But while this responsibility includes the need to address and repair harm done by federally sentenced women, it puts these incidents into the context of social inequalities and structures which define and lead to crime.

The plan presented by this Task Force finally closes the Prison for Women and brings women closer to their families, cultures and communities.

What is needed now is the collective will to convert this plan into action. What is needed now is the courage to voice the truth. What is needed now is the creation of action-oriented partnerships to build on the growing consensus that fundamental change is necessary.

The time for ACTION is NOW! We must not compromise our shared vision. We must not fail federally sentenced women ... *AGAIN!*

LIST OF APPENDICES AND COMPANION VOLUMES

APPENDIX A

Terms of Reference for the Task Force on Federally Sentenced Women

APPENDIX B

The Task Force on Federally Sentenced Women - Consultation List

COMPANION VOLUME # 1

Sugar, Fran, and Fox, Lana, "Survey of Federally Sentenced Aboriginal Women in the Community", Prepared on behalf of the Native Women's Association of Canada for submission to the Task Force on Federally Sentenced Women; Ottawa, Canada, January 15, 1990

COMPANION VOLUME # 2

Shaw, Margaret, et al, "Survey of Federally Sentenced Women", Prepared under contract for the Ministry of the Solicitor General, Ottawa, Canada,.

COMPANION VOLUME # 3

Shaw, Margaret, "The Federal Female Offender - Report on a Preliminary Study", Ottawa, Canada, June, 1989.

COMPANION VOLUME # 4

Axon, Lee, "Model and Exemplary Programs for Female Inmates - An International Review", Prepared under contract for the Ministry of the Solicitor General, Ottawa, Canada, September, 1989.

COMPANION VOLUME # 5

Evans, Maureen, "A Survey of Institutional Programs Available to Federally Sentenced Women", prepared for the Task Force on Federally Sentenced Women, Ottawa, Canada, December, 1989